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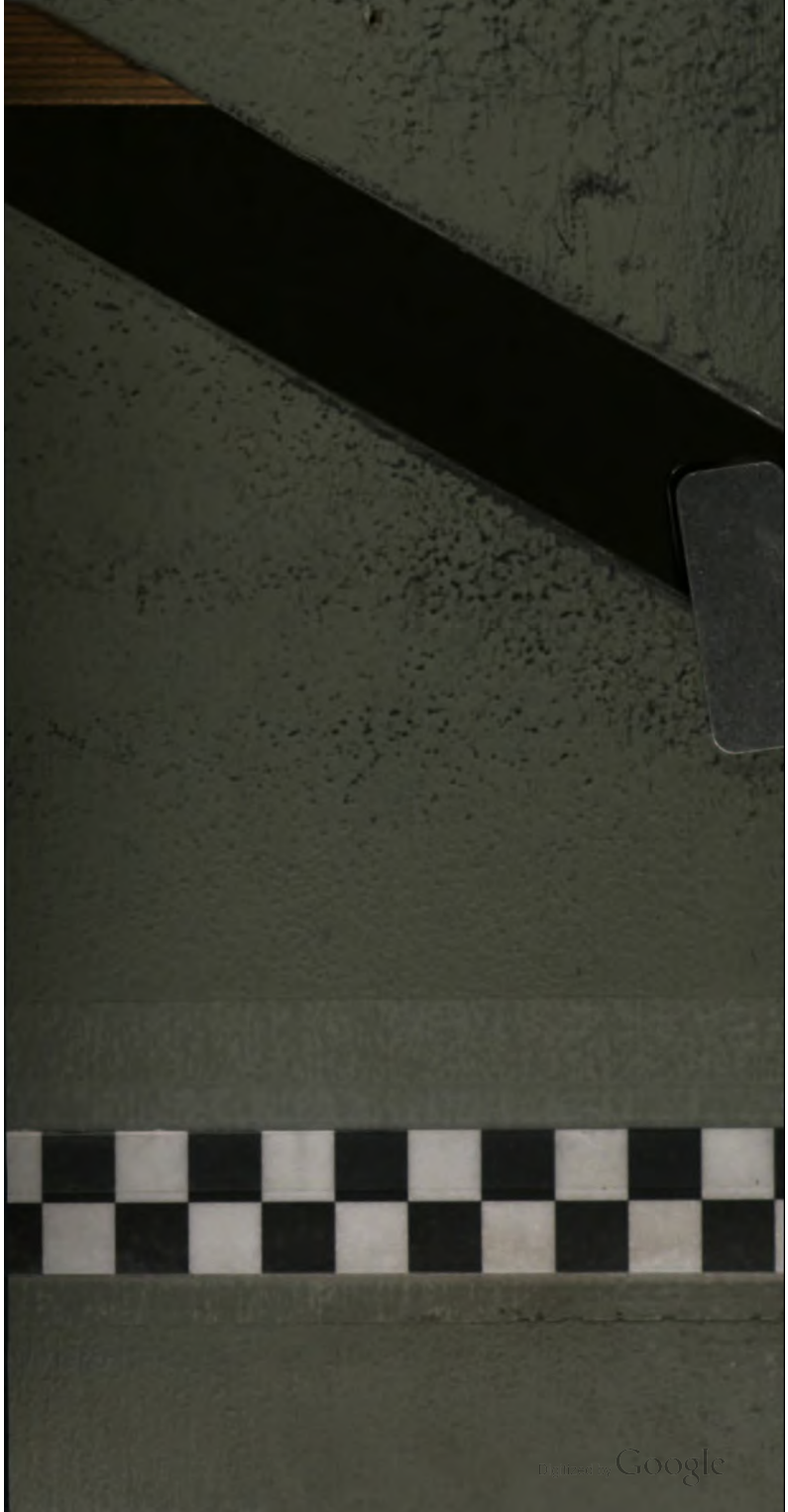
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NON - CIRCULATING

THE
Parliamentary Register;

OR,

AN IMPARTIAL REPORT

OF THE

D E B A T E S

THAT HAVE OCCURRED IN THE

TWO HOUSES OF PARLIAMENT,

IN THE COURSE OF

**The Third Session of the Second Parliament of the United
Kingdom of Great Britain and Ireland.**

VOL. II.

LONDON:

PRINTED FOR JOHN STOCKDALE, PICCADILLY.

1805.

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H2

GOVT. DOC.
DIVISION

T. Gillet, Printer, Crown-court, Fleet-street.

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THE PARLIAMENTARY REGISTER,

VOL. II. 1805.

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THE
PARLIAMENTARY REGISTER,
DURING THE THIRD SESSION OF THE SECOND
PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS.

WEDNESDAY, MARCH 27.

COUNSEL was heard in the Scotch appeal cause, Andrew Blane *v.* Lord Cassillis.

The legacy duty bill was read a second time and ordered to be committed.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 27.

Mr. Curwen gave notice of a motion for next day, for a copy of the opinion of his majesty's attorney and solicitor-general, laid before the privy council, relative to the case of John Duke of Athol. He then moved that all who came to the committee on the petition of the Duke of Athol have voices.—Ordered.

Mr. Creevey gave notice of a motion for next day, for a copy of the order of council, dated the 27th of March, relative to the Duke of Athol's case.

Sir John Newport having, pursuant to notice, moved his instructions to the committee preparing the Irish provincial lunatic's asylum bill, and some objection having been started by Messrs. Alexander and Rose, in a conversation which ensued, the honourable baronet withdrew his motion, but declared his intention to give due notice on a future day of a motion for leave to bring in a bill to provide for the production annually of exact statements of the condition of the county infirmaries, and other foundations supported by parliamentary grants or by public money.

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The neutral ships bill, the additional customs bill, the Dutch prize ships bill, and the additional excise bill, were severally read a second time; and ordered to be committed the next day.

Mr. Rose brought up a bill for continuing for a limited time, and for amending the American treaty bill, also a bill for legalizing the order of council for granting licences to trade with Spain: each read a first time, to be read a second time the next day.

Lord Castlereagh gave notice of a motion for next day relative to the regulation of the constitution of the supreme council in Bengal.

Mr. Johnson, from the office of chief secretary for Ireland, presented at the bar an account of the sums due from the commissioners of the navy, and of the sums that have been advanced by the collectors in Ireland. Ordered to lie on the table.

Sir Hugh Dalrymple Hamilton presented a petition from certain inhabitants of Ardrossan, &c. against the corn bill. Ordered to lie on the table.

The committee on the 43d of the king relative to Spanish wine was deferred till the next day.

The committees of supply and ways and means were deferred to Friday.

IRISH CURRENCY.

Mr. Foster, pursuant to notice, moved for leave to bring in a bill for enforcing and amending the law for restraining the issue of small notes in Ireland. His object in the measure was simply what was expressed in the motion, and the delay in bringing forward the measure had arisen from the circumstance, that an issue of silver coin was in contemplation, adequate to answer all the purposes of business. He had the pleasure to state, then, that that issue would immediately take place, and to an extent sufficient to remove the necessity of issuing notes under five pounds.

Mr. Martin submitted to the right honourable gentleman, and to the members for Ireland, whether it would not be desirable, for the accommodation of the country, to allow private bankers in Ireland to issue, in the same manner as English bankers did by law, notes of one, two, three, four, and five pounds value.

Mr. Foster replied, that the present measure was intended only to enforce the existing law. Whether that law was wise or not was another question, and it would be competent to any

any hon. member to bring forward, at any time, a motion for altering or amending it.

Mr. May wished the right hon. gentleman to state to the house the nature of the silver coin about to be issued.

Mr. Foster then informed the hon. member, that dollar bank tokens had been issued in Ireland as in this country, and that the new issue was also to be in bank tokens of six ten-penny pieces and one fivepenny piece for each dollar. Leave was given.

Mr. Foster also obtained leave to bring in a bill for amending an act, passed in the 32d year of his present majesty, for improving and keeping in repair the post roads, and rendering the conveyance of letters in Ireland more secure. Also, to bring in a bill for amending the spirit duty act in Ireland, after a statement to the house of the ground on which he proposed the measure, which was, that, as the law stood at present, a distiller could not send out any quantity of spirits over four gallons without a permit, and that a practice had prevailed to a very great extent amongst the distillers, for the purpose of evading the duty, of using Liverpool jars, containing less than four gallons, and employing a number of them, fifteen or twenty, to convey spirits in these vessels without any permit.

Mr. Byng moved, that the order of the day for the second reading of the Pancras workhouse bill be put off to that day se'nnight. The ground of his motion was the existence of a considerable difference of opinion on the subject in the parish, and his wish to afford time to accommodate this difference. If it should not appear on that day that two thirds of the directors of the poor in the parish of Pancras concurred in the propriety of the measure, he should abandon it.—Ordered.

Mr. Calcraft then presented a petition from certain inhabitants of Pancras, against the bill. Ordered to lie on the table till the second reading of the bill.

The Secretary at War brought up the innkeepers' rates bill. Read a first time, to be read a second time the next day.—Adjourned.

HOUSE OF LORDS.

THURSDAY, MARCH 28.

Counsel were heard for the appellant, in the Scotch appeal, Andrew Blane, esq. trustee for Sir Andrew Cathcart, against the Earl of Cassillis. Further hearing the next day.

Several private bills were brought from the commons, and read a first time.

The legacy bill went through a committee, and was reported without any amendment.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, MARCH 28.

Colonel Stanley presented a petition from a number of tradesmen and other inhabitants of the towns of Manchester and Salford, praying the house that it would either repeal the late corn law, or make such alterations therein as to the wisdom of the house should seem meet.—Ordered to lie on the table.

Sir John Newport brought up the Irish lunatics and idiots asylum bill, which was read a first time, and ordered for the second reading that day se'nnight.

Mr. Curwen moved, that an humble address be presented to his majesty, praying that he would be graciously pleased to order that a copy of the opinion of the Attorney and Solicitor General, on the subject of his grace the Duke of Athol's claim, be laid before the house.—Ordered.

Mr. Creevey stated, that as the report of the lords of his majesty's council, in support of his grace's claim, was already before the house, he thought it proper that the house should also be in possession of the order of the 31st of March last. The hon. member then made a motion to that effect, which was carried unanimously.

After some conversation between Mr. Rose, Mr. Curwen, and Mr. Creevey, it was ordered, that an address be presented to the crown, praying that a copy of the memorial of the Duke of Athol, in answer to the opinion of the Attorney and Solicitor General, should be laid before the house.

Mr. Curwen was then going to move, that a copy of all the documents, and an account of all the proceedings relative to the above subject, should be laid before the house. But upon the suggestion of Mr. Rose, the hon. member gave notice of a motion to that effect for the next day.

COMMANDER IN CHIEF IN INDIA.

Lord Castlereagh, pursuant to his notice of the preceding day, moved for leave to bring in a bill to amend the act of the 32d of the king, which prescribes the powers to be given to the India company in the appointment of a commander in chief of

of the forces in India, and regulates the duties of the governor general in council at Bengal. In making this motion, however, he must inform the house, that it was not his intention either to make any material alteration in the forms or add considerably to the expence of the establishment. But, in the event of an exalted military character taking the chief command of the forces in the field, he thought that it would be of essential benefit to the service, and would tend to the further security of our possessions in that quarter, if the person who was to have the chief direction and management of our armies in the field should have an opportunity of sitting in the council and giving his advice, or communicating his information, on matters that were intimately connected with their welfare. He should therefore propose, that the commander in chief should have a place in the council at Fort William. When that illustrious personage, that noble and gallant officer, the Marquis Cornwallis, was formerly in India, as the office of governor general and that of commander in chief are both united, and as he was a military man of great experience, and possessing the utmost ability, he had the direction of the councils and the management of the armies in the field at the same time; but for the latter duty he had no emolument, notwithstanding his bravery and his success are known so well to have deserved the utmost compensation. By his exploits, and from circumstances which have since happened, our territories in the East have considerably increased since the time of that noble and gallant officer having first taken the field, and gentlemen need not be told that the duties of the civil government of our possessions in the East must consequently have become more numerous, and that it must require more time, and a greater degree of attention, to direct the civil affairs of the company, than it did at the distant period to which he alluded. And, in the event of the person whom he had already mentioned going to India, it would be of the utmost importance that the council at Fort William should have his experience and ability added to that of which it is already possessed. He therefore moved, that leave be given to amend the act which he had mentioned on introducing the subject to the house.

Mr. Francis—Sir, I am not aware of any objection to the provisions of this bill. The cases stated, though I hope not likely to happen, ought to be provided for. The supposition cannot be made without some painful reflections, that Lord Cornwallis, on his arrival in Bengal, which cannot be com-
puted

puted at less than six months from this period, will find India still involved in war; and that he may be obliged to take the field in person. If that be well founded, it gives us but a melancholy prospect of the state of our affairs in that quarter. I do not perceive that the bill gives Lord Cornwallis any new or extraordinary powers; and, if it did, I should not be inclined to oppose it, for two reasons; first, because I should think it not at all unlikely that the exigency of the case might require such powers; and then, because I know of no person among those who have acted in great stations in my time, whom I should be more ready to trust with great power, than my Lord Cornwallis. Judging of him by all his public conduct, I am convinced that power may be safely trusted in his hands, and that he will never use it but for the benefit of the public service. If my voice could contribute to his honour, he should have it without reserve, for the spirit that prompts him to undertake such a task as I know it to be, and at such a time; and if it were possible to give him support in the execution of it by any effort of mine, he might be sure of it. I am convinced that his great object will be to compose the disorders of India, and to restore peace and tranquillity to the unfortunate inhabitants of that country.

Leave was then given to bring in the bill.

After this, Tuesday next was mentioned as the day for making a motion to refer the different petitions on the subject of the late corn law to a committee.

Mr. Foster brought up the Irish permit regulation bill, and the bill for restraining certain promissory notes and inland bills of exchange in Ireland, which were severally read a first time, and ordered for a second reading the next day.

The innkeepers' allowance bill, the Spanish trade bill, and the American treaty bill, were each read a second time, and ordered to be referred to a committee the next day.

The foreign ships' privilege bill, the neutral ships' trade or regulation bill, and the customs and excise additional duties bills were successively passed through a committee of the whole house, and ordered to be reported the next day.

The 43d of the king, chap. 68, was referred to a committee of the whole house, in which it was resolved that it is expedient that the duties and drawbacks which are at present in existence with respect to French, should be extended to Spanish wines of a certain description.

The house having resumed, it was ordered that the report should be received the next day.

REDUCTION

REDUCTION OF THE MILITIA.

The Chancellor of the Exchequer moved the order of the day for the house going into a committee on the militia volunteering bill.

On the question being put for the Speaker's leaving the chair,

General Fitzpatrick adverted to the sentiments which he had delivered on a former occasion, with respect to the duration of military service, and said he should, at another stage of the bill, move that a clause be introduced into it, limiting the service to the term of five years, or during the war and for six months after it.

Mr. Ellison declared his opinion, as to the principle of the bill. He did not think that he should do his duty as a militia officer, or as a member of parliament, if he did not give it his most strenuous support. He had supported the former bill of a similar description, because he thought that one part of the empire was then in danger; and it was his opinion, that at such a period it was the bounden duty of every individual to run and rally round the government of the nation. On the present occasion, he would have no hesitation in saying, at the head of the militia regiment which he commands, "Come, my lads, here's more money offered you, and besides that, I'll tell you, that you will be able to defend your country more effectually by extending your services." He then referred to what had passed at the Thatched-house Tavern, and disclaimed having taken any part in the passing of the resolutions.

Earl Temple signified that they had been read aloud, and that there was not the smallest opposition made to them.

Mr. Ellison declared that they appeared to him to be altogether unintelligible, and he should be careful how he attended such meetings in future.

Colonel Frankland said, that the state of the world in general was now so materially altered from what it had been a few years since, that every man of any ability whatever should be ready to unite his talents to those who had already stood forward in defence of the country. But, notwithstanding he conceived this to be right in a military sense, he did not mean to say that we should forget that we were Englishmen, nor that a body of men, who are enlisted for the express purpose of defending the country, should be sent away upon every rash, whimsical, unthinking spirit of enterprise, which might be

be manifested by ministers. There appeared to be no stability in their system of action, they varied from day to day, and nothing effectual was done to the enemy; but it was a most correct military maxim that a man who always parried, and who never made a thrust, must inevitably have the worst of the battle. If, instead of that wavering uncertain mode of action, we were to pursue one steady uniform line of conduct, we should have such an army as the world never saw before.

General Tarleton expressed considerable regret that gentlemen should, in the third year of such a war as this, be debating whether we should or should not increase the disposable force of the country. This was not, as had been said of a former war, the *guerre des pots de chambre*. The expedition to Holland he then alluded to, as having been mentioned frequently in the course of debate. It was not to the circumstance of the militia having formed a part of that expedition, that any part of the failure of it was to be ascribed, neither did it fail for want of any exertions of the ability of the illustrious commander in chief; it was almost entirely to be attributed to the impolicy of the measure itself, of sending men to fight in such a country, at such a season of the year, and perhaps partly to the militia being sent off immediately, before they could even have a knowledge of the persons of the officers who were to command them. The militia, however, were capable of being brought to perfection in military discipline in a very short time; and as he was convinced that they would be a material accession to the disposable force of the country, he supported the present bill.

Sir William Elford declared that the measure had his entire approbation.

Lord Stanley opposed it on the same grounds that he urged in a former night's debate.

The question was again put, and the house divided,

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Against it	-	-	49
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Majority	-	-	64
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On re-admission into the gallery we found the house in the committee on the bill. Some explanation took place betwixt the Chancellor of the Exchequer and Mr. Giles, as to the wording of the preamble. It was agreed, however, that any alteration proposed should be brought forward at a future stage. The house then went through the several clauses.

On the suggestion of Mr. Yorke, the first clause was amended

amended, by extending the volunteering to the artillery and marines.

The clause allowing the commanding officer of militia regiments, in the first instance to select the half of their men not to be subject to the bill, gave rise to discussion.

It was contended by General Sir J. Pulteney, General Tarleton, and others, that such a power of selection would defeat the object of the bill; while it was proposed to increase our disposable force, we should only get the worst part of the militia, instead of the stoutest, best disciplined, and most active proportion.

On the other hand, Lord Stanley, Earl Temple, Mr. Pitt, and others, maintained, that to deny the commanding officers this power of selection, was to degrade their dignity and compromise their influence. They denied that commanding officers would abuse their power; though they now opposed the bill, they would, when it was passed into a law, give it the fullest effect. The clause was agreed to.

As the bill now stood, ten days were allowed for receiving volunteers.

Lord Stanley wished to know, whether there was to be a future period allowed for receiving volunteers? It was stated, that ten additional days would be allowed, and then the operation of the bill was to cease.

General Fitzpatrick moved, that the men volunteering should have their term of service limited to five years, or six months after the conclusion of the war. He stated that this was a clause taken from the act of 1799, receiving the offers of the militia at that time, to volunteer into the regular army.

Sir W. W. Wynne, though friendly to the system of enlisting for limited service, opposed this clause, as making an unjust distinction in the regular army.

General Tarleton supported the clause.

Mr. Fox was so much a friend to the general principle of enlisting for a limited period, that he wished it to be fully and fairly discussed. He thought it would be better for his right hon. friend not to press the house to a division on the present occasion. Our present military system was anomalous in Europe, and he trusted that the subject would, at no distant period, be brought before the house.

The Chancellor of the Exchequer stated that the subject had undergone the fullest consideration of his majesty's government. The highest military authorities had been consulted, and there existed the greatest diversity of opinion. Many

thought that it would be subversive of all discipline, and others who approved of it, conceived it to be impracticable during war. If the general principle was brought forward, he should feel it his duty to resist it.

After a few words from Sir J. Pulteney and some other members, the clause was in the mean time withdrawn.

The clause requiring the authority of the adjutant general to complete the discharge of the men willing to transfer their services to the line was combated, as unnecessarily interfering with the power of the commanding officers. It was, however, agreed to.

A clause was introduced, authorizing regular officers to receive volunteers of four feet four in height, who are not more than thirty-four years of age.

The other clauses were then read and agreed to, and the report received.

The Chancellor of the Exchequer gave notice that he would the next day submit a proposition to the house relative to the militia of Ireland, similar to this measure.

The farther consideration of the report was ordered for the next day, and the amended bill to be printed.

Lord Castlereagh brought in the bill empowering the East India company to appoint the governor general of Bengal a member of the supreme council of Fort William, notwithstanding he is commander in chief of the forces in India. It was read a first time; and ordered to be read a second time the next day.—Adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 29.

The bills on the table were forwarded.

Counsel was heard for the appellant in the Scotch appeal, Mr. Blane, as trustee for Sir Andrew Cathcart, against the Earl of Cassillis.

ADVOWSON BILL.

The Bishop of Oxford having moved for the house going into a committee on the bill for repealing a clause in the mortmain act, by which the colleges in the universities are restrained from purchasing advowsons,

The Duke of Norfolk begged to be informed by the right reverend prelate, if it was his intention in the committee to introduce any clauses, explaining the reasons and necessity of the

the bill more than at the period when the statute of mortmain was passed, when it was deemed proper, for what reasons he did not know, to throw the different colleges under disabilities. Though no reasons for the introduction of that clause into the act of mortmain were assigned, he could not suppose that many, and those too of a very satisfactory nature, did not exist, when he considered that that act was introduced by Lord Hardwicke; he hoped, therefore, that the right reverend prelate was prepared to introduce into the bill such clauses as should be sufficient to demonstrate to their lordships the propriety of repealing the clause in question.

The *Bishop of Oxford* said, that he had no alterations to propose in the bill, further than a few verbal amendments.

The *Duke of Norfolk* enforced what he had before advanced; building on the well-known character of Lord Hardwicke, as a proof that the clause now wished to be repealed had not been introduced into the act of mortmain without substantial grounds. He should therefore propose, that the house might have time to consider of the matter, that the committee should be fixed for the 2d day of May.

The *Bishop of Oxford* dwelt on the propriety of allowing greater facilities to the colleges than they now enjoyed, of providing for those who, by their painful and meritorious services, so much contributed to the dissemination of learning and of virtue throughout the kingdom. As the law stood, they could only provide for a part of their fellows, and the progress was so slow, that the best days of a man's life were often passed, and he was beyond enjoying any of its comforts, when he came in his turn to be provided for. This, the reverend prelate contended, went greatly to stop that zeal for learning and for the interests and pursuits of religion, which it was for the benefit of the community to encourage.

Lord Sidmouth professed the highest regard for the interests of the colleges in our universities, in which the foundations were laid for all the learning which distinguished the nation. He wished, however, that some regulations should be introduced into the bill, by which while, on the one hand, the chance of clerical preferment in the universities should be rendered less tardy than the right reverend prelate had represented, care should be taken that its progress should not be rendered too sudden and premature. With this view, he should suggest to the noble duke, whether the committee might not stand for an early day, which, at the same time, would give their lordships time to consider how this might be best effected.

The *Lord Chancellor* concurred in opinion with *Lord Sidmouth*. He also wished, if it were possible, to make the funds applicable in the first place to the increase of such incumbencies as were at present inadequate; it being a fact that some of them were so much so, that it was often difficult to find fellows who were willing to accept of them.

Lord Auckland wished the house should be informed of the value of the different advowsons at present in the gift of the college.

In this the Duke of Norfolk concurred.

The *Bishop of Oxford* said it would be hardly possible to ascertain the value of each with any degree of accuracy.

After some farther conversation between the Duke of Norfolk, the Bishop of Oxford, and Lord Sidmouth, the committal of the bill was fixed for Thursday next.

NAVAL DOCUMENTS.

Lord Melville laid before the house most of the papers respecting the naval department, for the production of which he had moved on a former day.

Earl Darnley then rose, pursuant to notice, to move for a number of additional papers, or rather for the additions of dates and sums to those just laid on the table by the noble viscount. He could not but regret being under the necessity of troubling their lordships so frequently with motions of this nature; but as he had taken up the business he was resolved to go through with it, discarding all personal motives and considerations from his view, and attending only to the great importance of the question; for scarcely any could be more important than that which he had in view, not only to rectify any errors or correct any abuses that may have crept into the administration of the naval department, but which also tended to give new vigour and activity to that right hand of our national strength and defence. These salutary reforms were auspiciously begun under the administration of the noble earl (St. Vincent) who lately presided with so much ability at the board of admiralty. That distinguished nobleman principally endeavoured to give a decisive preference to the building of ships in his majesty's dock-yards, which were fully competent to the fitting and refitting of all the ships that might be required even in time of war, and even for adding annually ten ships of the line to supply what decay might occur. This preference of the king's to the merchants' docks would save an enormous expence; for it appeared, upon a former occasion, that

that in the king's docks the expence was only 24l. per ton, while in the merchants' docks the expence was swollen often to 36l. per ton. The proper distribution of the different artificers in the different docks was also matter for consideration and amendment, and to these points principally his motions would refer. The noble lord then proceeded to enumerate his different motions, which exceeded twenty, and read each in order to comment upon them as he went on.

Lord Walsingham, however, thought that mode of proceeding irregular, and called the noble lord to order; stating, that in his opinion the noble lord should put each of his motions separately.

After a few words from the Lord Chancellor on the point of order,

Earl Darnley observed, that he read his motions as part of his speech, and from a desire to trespass on their lordships time as briefly as possible. The motions had principally in view to ascertain the number of ships fitted and refitted in the king's yards, and in the merchants' yards, at different periods; the amount of the expence attending each, and the quantity and value of the naval stores, timber, foreign and domestic, &c. &c. in his majesty's dock-yards, at different times, which were specified. The papers already produced by the noble viscount tended much, he confessed, to elucidate these points; but they did not go far enough; and it was in order to supply these deficiencies that he thought it necessary to move for further documents. The production of them would amply unfold the necessity of adopting and persevering in the system recommended by the late first lord of the admiralty, a system the reverse of which he was sorry to see seemed to be recommended and pursued by his successor. He could not well foresee what objections could be urged against producing the papers; but, whether they were produced or withheld, he should have discharged his duty in moving for them. The noble lord concluded with making his first motion, for a list of the number of ships fitted and refitted in his majesty's dock-yards, from the 15th March, 1803, till the 15th May, 1804, distinguishing the expence attending each description of ships.

Lord Melville observed, that if the noble lord could make good his assertions respecting the ability of the king's dock-yards to furnish not only all that was required in time of war for our naval service, but even to keep the navy in complete repair, and that at comparatively so much a smaller expence than what the ships now cost, he had made the most important

tant and beneficial discovery for the country than the happiest discoverer had ever made. He would have made a discovery that had eluded the sagacity of the ablest men who had for a number of years presided over the admiralty, and that too at periods when our naval glory was carried to the most envied height. They were all obliged to have recourse to private docks for the building and repairing of ships of war, and he believed it would still prove to be indispensably necessary. As to the distribution, &c. of the artificers in the docks, that was a matter now in a train of inquiry, and he trusted the practical result of that inquiry would be laid before the house much sooner than the papers moved for by the noble lord could possibly be prepared. Would it not, therefore, be advisable for the noble lord to suspend his motion till he should hear whether the result of the inquiry now actively carrying on might not supersede their necessity? He could assure the noble lord that it was with the utmost difficulty he was able to produce the papers which he had that day laid before the house. They gave much trouble to the clerks, and occasioned no small impediment to the public business of the naval department; and he was assured, in a letter from the secretary of the navy board, to whom he had delivered a list of the papers moved for at present by the noble lord, that the preparation of them would require no less than three months.—When this extraordinary labour was considered, which could only be undertaken effectually by the most expert clerks in the offices, and the embarrassment it must occasion to the course of the ordinary public business; when moreover it was considered, that after all that trouble had been undergone, the papers might contain no more essential information than was already contained in those which he had the honour that day to lay before their lordships; he trusted the noble lord would consent to withdraw his motions for the present, otherwise he should be under the necessity of directly opposing them.

The Duke of Clarence did not conceive that the secretary of the navy board could be serious, when he said it would require three months to prepare the papers moved for by his noble friend. He would take upon him to father these motions; and he was sure, that his noble friend, the late first lord of the admiralty, would never require the production of papers that might not be easily produced in a much shorter time.

After a few observations in reply from Lord Darnley, the question was put on his several motions, which were negatived without a division,

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An account of the income and resources of Ireland, for the last year, was laid before the house.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 29.

On the motion of Mr. Baldwin, leave was given to bring in a bill for erecting a chapel of ease at Twickenham.

Mr. Abercromby brought in a bill to enlarge the power of the corporation of excise and revenue officers in Scotland, for making provision for their wives and children, &c. Read a first time, and ordered to be read a second time. As was also a bill brought in by the same honourable member, to raise a further sum for enlarging and improving the port of Leith.

The Edinburgh police bill was read a third time and passed.

ISLE OF MAN.

Mr. Curwen moved for the production of a copy of the proceedings of the privy council, upon the petition of the Duke of Athol, for further compensation relative to the sale of the feudal rights of the Isle of Man in the year 1765.

Mr. Rose said, that as to the order of the privy council of the 31st of March, which had been moved for the preceding day, he found upon inquiry that no such order existed. This was his opinion at the time the motion was made, or he should not have resisted it. He took this opportunity of assuring the hon. mover, and the house, that there was no disposition on the part of any person connected with his majesty's government to withhold any information in their power to grant upon this subject.

Mr. Curwen explained that his motion did not refer to any order; but to a minute, which he supposed must be in existence.

The motion was agreed to.

Mr. Rose presented a report of the proceedings of the privy council, in the year 1804, upon the petition of the Duke of Athol, respecting the Isle of Man. Ordered to lie on the table.

The American intercourse regulation bill, and the Spanish trade licence indemnity bill, were severally committed, and the report of the former was ordered to be brought up on Monday. The report of the latter was brought up, agreed to, and the bill ordered to be read a third time on Monday.

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The reports of the committees on the foreign ships privileges bill, and the neutral ships trade bill, were brought up and agreed to, and those bills ordered to be read a third time on Monday.

Mr. Magens moved for an account of the quantity of dollars issued by the bank of England up to the latest period at which the same can be made out. Ordered.

The report of the committee upon the act respecting the duty on Spanish wines was brought up, and pursuant to the same, the chairman applied for and obtained leave to bring in a bill to regulate the duties on such wines.

Mr. C. Brooke announced his intention of bringing forward a proposition on this subject, in a proper stage of the bill.

A message from the lords stated their lordships' assent to the legacy bill.

Mr. Curwen observed, that the names of the members of the privy council were not subscribed to the report which had been just laid on the table by the hon. member (Mr. Rose), relative to the Isle of Man.

Mr. Rose said that the report was presented just as he had received it from the clerk of the privy council, and he understood it to be in the usual form.

Mr. Curwen stated, that according to the information he received, it was the custom for all members present at any proceeding of the privy council, to sign their names to the minute of such proceeding. He therefore was surprised to perceive that this custom was not attended to upon this point, and thought that as the document he alluded to was to be made the ground of a parliamentary measure, it ought to have every necessary sanction.

Mr. Rose promised to make an inquiry upon the subject.

Mr. Alexander brought up the report of the customs duty bill, which was agreed to, and the bill ordered to be read a third time on Monday.

IRISH MILITIA.

The *Chancellor of the Exchequer*, pursuant to notice, moved for leave to bring in a bill respecting the enlistment of men for general service from the Irish militia. The objections to the principle of this measure, the right hon. gentlemen observed, had been already so fully discussed, that he did not mean to dwell on them on this occasion. But the general argument in support of this principle, the house would recollect, applied as forcibly, in reference to the proposition he meant

meant to submit, as to that with respect to this country. The case of the Irish militia stood, no doubt, upon somewhat different grounds from that of this country; on the one hand, an act had already existed to reduce the English militia to a certain standard, which reduction gave room for the operation of the measure that applied to it; while the Irish militia were not at present at a higher standard than was meant as a permanent establishment. On the other hand, the militia of Ireland was so constituted that it could be recruited with much more facility than that of this country. There would, indeed, be no difficulty in raising men for the Irish militia. Such being the case, he thought that the latter was more than sufficient to counter-balance the former consideration. The plan he proposed to bring forward he described to be, that after one-half of each regiment should be set aside, according to the selection of the commanding officer, two-fifths of the whole of the Irish militia should be at liberty to volunteer for general service, subject to the same regulations which are to be applied in England. Considering the ease with which men could be raised in Ireland to restore the militia to its original number, and that in course measures would be immediately taken to procure substitutes for those who might enlist into the line from that body, he trusted there would be no objection to the proposition he meant to submit, which was, "that leave should be given to bring in a bill for allowing a certain proportion of the Irish militia voluntarily to enlist into the line, the artillery, or the marines."

Sir John Newport was of opinion, that the militia system, however advantageous it might be to England, was injurious to Ireland, and he could therefore wish to see it abolished in that country *in toto*. He nevertheless highly disapproved of the measure proposed by the right hon. gentleman. Ireland was, he believed, justly considered the most vulnerable part of the empire; and was it prudent, at present, to deprive it of a considerable portion of its disciplined force, for the purpose of substituting a parcel of new recruits, whom it would require two or three years properly to train? He was not a militia officer; he never had been one, nor was it likely he ever should be one; and therefore he might, without any suspicion of interested motives, express his sympathy with that respectable body in the mortification they must feel in losing so many men, whom they had been at such pains to

instruct, and in being degraded to the situation of recruiting officers for the regular army.

Lord De Blaquiere was one of those who felt utter astonishment at any objection having been made to either of these measures, after the language that had been used in that house, with regard to the state of the regular military of the country. The hon. baronet's statement that he was not a militia officer, accounted for his imagining that the militia officers of Ireland would feel themselves converted into recruiting serjeants.

Sir John Newport spoke to order; he had not mentioned the words "recruiting serjeants," but "recruiting officers."

The *Speaker* decided, that the noble lord's misapprehension was not of sufficient consequence to justify his being called to order.

Lord De Blaquiere observed, that whatever were the precise words made use of by the hon. baronet, the import unquestionably was, that the militia officers would consider themselves injured by the measure, an assertion which, he trusted, was without foundation.

General Tarleton, adverting to the opinion of the hon. baronet, that it would require two or three years to train the recruits who should fill up the chasm that this bill would produce in the militia of Ireland, took occasion to remark, that the result of his own experience, and that of many other officers with whom he was acquainted, was, that an Irishman was much more easily disciplined than a native of any other part of the united kingdom, and therefore he was certain that a much less time would be found necessary to bring these recruits to the same state as that in which the old militia stood, than was supposed by the hon. baronet.

Colonel Bastard was apprehensive that as the marine service was considered preferable so that of the line, most of the men volunteering would wish to enlist in the marines, an event which would defeat the grand purpose of the measure.

The *Chancellor of the Exchequer* called to the recollection of the hon. member, that this bill, which was quite similar in its principal object and provisions to the bill with respect to this country, invested his majesty with the power, of assigning what number of the men to be procured from the militia should enlist into the marines, or any other description of the force specified in the motion, or ordered into any regiment. There was, therefore, no danger of the consequence to which the hon. gentleman alluded.

Mn.

Mr. Calcraft thought this quite a distinct measure from that with respect to the English militia; as, in point of fact, the Irish militia had nothing but the name of militia belonging to them. They were not raised by ballot, but by bounty; and if the Irish gentlemen were willing to become recruiting officers for the army, he saw no reason why the motion of the right hon. gentleman should be resisted by the house.

Sr G. Hill supported the motion, and panegyrised the character of the Irish militia officers. Their conduct and that of the Irish gentlemen in general, who by their own subscriptions raised the militia and kept the country safe, without any contribution from those absentees whose lands they thus defended, was, in his judgment, entitled to peculiar praise. Considering the conduct of the Irish militia, who, to a man, volunteered last year to serve in any part of the united kingdom, and the public spirited feeling of their officers, he could not help saying that he was much astonished at the selfishness exhibited last year, as well as in the whole course of the debates of the present week, with respect to the English militia.

After a few words from Lord Temple, *Mr. Alexander*, and *Mr. Calcraft*, the motion was agreed to. The bill was afterwards brought in, read a first time, and ordered to be read a second time on Monday.

Mr. Alexander brought up the report of the excise duty bill, which was agreed to, and the bill ordered to be read a third time on Monday.

Mr. Fitzgerald brought in a bill for the more easy obtaining the partition of lands, and ascertaining the rights of common in Ireland. Read a first time, and on the suggestion of *Mr. Alexander*, ordered to be printed. To be read a second time on the 1st of May.

The bill for appointing the commander in chief, &c. in India to a seat in the council at Fort William, was read a second time, and committed for Monday.

ENGLISH MILITIA.

The Chancellor of the Exchequer moved the further consideration of the report of the English militia voluntary enlistment bill.

The several amendments were read and agreed to, as were the following clauses proposed by *Mr. Pitt*: a clause to empower deputy lieutenants to regulate the inequality which might arise upon any ballot, in consequence of more or less men enlisting into the line from particular parishes under this

act; also a clause to prevent serjeants or corporals of the militia from enlisting as such into the artillery.

Mr. Banks proposed that instead of supplying vacancies by ballot which may arise in the militia, now that they were to be reduced to their original quota, these vacancies should be filled up on the principle prescribed by the additional defence act of last session, that is, to make the parish for which the vacancy should arise furnish the man, or in failure thereof to pay a certain penalty. This provision the hon. gentleman thought necessary, in order to prevent a recurrence of the evil of ballot, and of the consequent, but still greater evil of high bounties.

Mr. Wilberforce and Sir Robert Buxton supported this proposition.

The Chancellor of the Exchequer, Sir James Pulteney, and Mr. Canning opposed it, on the ground that it would be unwise to hold out an idea to the country, that it was intended to get rid of the ballot, which had been so productive of men, until experience should shew that an efficient substitute for it could be obtained. The clause was lost without a division.

The bill was ordered to be printed, and read a third time on Monday.

The Irish spirit permit bill was read a second time, and ordered to be committed on Monday.

The Irish promissory notes restriction bill was read a second time.

Mr. Leigh gave notice that he would in the committee propose a clause to give the country bankers of Ireland the same advantage that is enjoyed by the same description of persons in this country, namely, the right of issuing notes of one pound or one guinea.

Mr. Foster expressed a wish that as there existed some diversity of opinion upon this subject, any gentleman who had a proposition to submit, would rather make it the subject of another bill than incur the measure before the house with it.

Mr. Leigh had no objection to accede to this suggestion.

After some farther conversation the committal of the bill was postponed till the 25th of April.

Mr. Martin (of Galway) gave notice that he would, on Monday, move for an account of the particulars of the expence incurred for public prosecutions in Ireland, from the year 1795 to the year 1801, inclusive.

The hon. member gave notice of a motion for the production

tion of a copy of the evidence taken before the Irish house of commons upon passing the act of attainder of the 38th of his majesty, so far as the said evidence refers to the case of the late Cornelius Grogan, of the county of Wexford. The hon. gentleman did not mention any day for bringing forward his motion.

Mr. Fitzgerald adverting to the Irish militia bill, observed that there was no provision in it to indemnify the counties for such men as might enlist. This indemnity he thought fair and necessary, as the Irish militia were the property of the counties by whom they were raised.

The *Chancellor of the Exchequer* stated that, according to an act of last session, his majesty was empowered to augment the Irish militia. The number who might enlist from the militia, in consequence of this bill, would be replaced under the act he alluded to, and of course the expence of the augmentation would be defrayed by the state; not by the particular counties.—Adjourned till Monday.

HOUSE OF LORDS.

MONDAY, APRIL 1.

Counsel was heard on the Scotch appeal, *A. Blaine v. Lord Caffillis*; to be further heard the next day.

Several private bills were brought up from the commons and read a first time.

CATHOLIC PETITION.

The *Bishop of Durham* rose to express a wish that the noble baron who had presented the petition from the Roman Catholics of Ireland, would have the goodness to name the day on which it was his intention to bring the object of that petition under the consideration of the house. The subject it involved was one of such importance, that he felt it his duty to be prepared for the discussion of it, whenever the noble baron should think fit to bring it forward.

Lord Grenville said that it was his intention, as far as he could now foresee, to bring forward his motion on that subject on the 10th of May next. Should it, however, be for the convenience of any noble lord to postpone the discussion for a few days, he for one could have no objection.

The *Bishop of Durham* only wished that no delay might take place after the day appointed by the noble baron.

MR.

MR. JUSTICE FOX.

The order of the day being read for resuming the debate on certain questions relative to the case of Judge Fox,

Lord Auckland rose to offer an amendment to a string of motions which he had submitted to their lordships that day se'nnight, the substance of which was, to add to some of them the words "punishable by the ordinary course of law." Here a long conversation ensued on a point of order; whether the motions should be put collectively or separately, in which conversation the following noble lords took a part. For discussing them collectively, were Lords Grenville, Spencer, Carlisle, Darnley, Auckland, &c.; for a separate discussion, were the Lord Chancellor, Lords Ellenborough, Hawkesbury, Sidmouth, Mulgrave, Buckinghamshire, and Redefdale. The conversation at length ended in Lord Auckland withdrawing his motion.

THE STANDING ORDERS.

Lord Grenville, after referring to some circumstances which had taken place in the debate of Monday last on this point, moved, that the clerk do read the standing order of the house, viz. that if any peer should require that the house do go into a committee, it ought not to be refused. Upon this question a still longer conversation arose. Lord Grenville said, that his object was, in making this motion, to establish a point, which, in his opinion, was essential to the freedom of debate. The point he referred to was, that any noble lord, by enforcing that order, might obtain an opportunity of speaking as often as he chose. The noble lords before mentioned took each a part in this discussion. Lord Grenville, in the course of his speech, seemed to insinuate that the noble and learned lord on the woolsack was not backward in speaking twice or thrice on the same question, and therefore could not in fairness be adverse to the enforcing of the standing order. He, however, always heard the noble lord with satisfaction, as often as he chose to speak.

The *Lord Chancellor* declared, that it was always with reluctance that he troubled their lordships with his objections; whenever he did, it was in strict compliance with his duty, and not from any pruriency to speak often. Sooner than agree to the present motion, he should move, that the whole of the question be deferred till Thursday next.

Several noble lords having referred to what had taken place

place on Monday's debate, when, it seems, it was insinuated, that the noble and learned lord on the woollack had spoken at least twice upon the question,

His Royal Highness the *Prince of Wales* wished to say a word or two on the point of order, with regard to speaking twice on the same question.—A noble friend of his (Lord Grenville) had, on the occasion already alluded to, been called to order by a noble secretary of state (Lord Mulgrave) opposite to him: on which occasion a noble relation of his (the Duke of Clarence) expressed something like surprise that his noble friend should have been interrupted, while many noble lords on the other side seemed ready to deliver their opinions as often as they thought fit. It was his comprehension and interpretation of the standing order, observed his royal highness, that it should be liberally interpreted in favour of every noble lord indiscriminately, and he was confident that it was in that sense of it his noble relative had expressed himself on the former debate. He was fully aware of the respect and consideration to which every noble lord was entitled on such occasions; and he had no more earnest wish than to see their lordships proceed uniformly guided by that spirit.

After some farther discussion, Lord Grenville agreed generally to move for the house going into a committee, without any reference to the standing order. The house having accordingly gone into a committee,

Lord Grenville supported the motion of Lord Auckland for referring the different points which he had formerly submitted to the house for the opinion of the twelve judges. His lordship particularly alluded to the precedents which he had pointed out on a former night, and stated that, in consequence of the doubts suggested by a noble and learned lord (Ellenborough), he had caused the records of one of these cases, *Bridgeman v. Holt*, to be searched for, and it clearly made out his original assertion, being a case directly in point; there, as in the present case, a petition had been presented to the house against three of the judges of the Common Pleas, which the house ordered them to answer. In the answer lodged, these judges refused to plead the merits of the case, unless when called before a legal tribunal. They denied the jurisdiction of their lordships, and maintained that the calling them before that house was contrary to the established law of the land. On considering the matter, after taking the opinion of the other judges, the house
came

came to be of the same mind, and the matter was dismissed.

The *Lord Chancellor* recapitulated the arguments which he had formerly adduced in support of the contrary opinion; maintained that the precedents referred to by the noble lord could not apply, as they occurred previous to the passing of the act of settlement; admitted it to be the established law of the land that no judicial proceeding of a criminal nature could originate in that house; but contended that the measure now before the house was not of a judicial nature, instituted with the view of punishment. He could not, at the same time, see why the judges should not be considered as equally safe in the hands of the two houses of parliament, as in those of twelve ordinary men, whose verdict against them would, if the arguments on the other side went to any thing, be obligatory on their lordships, and would be a sufficient call on them to address his majesty for the dismissal of any judge against whom such a verdict should be found.

Lord Grenville could not at all see the meaning of the distinction laid down by the noble and learned lord. He stated that this was not a judicial matter, or one to infer punishment. It undoubtedly, however, was meant to go the length of grounding an address to his majesty for the dismissal of a judge, for improper conduct in his judicial capacity, and such, he contended, could not originate in that house. He would wish the noble and learned lord to point out to them where the line was to be drawn, and what, if any thing, short of murder, felony, or treason was to be esteemed without the original cognizance of that house. As to the idea of the act of settlement subjecting the judges to a jurisdiction of which they were formerly independent, he saw nothing in the act sanctioning such an idea, but the direct contrary.

Lord Hawkebury opposed the motions of Lord Auckland, and contended that the proceedings of the house had been completely regular. In this opinion he was seconded by Lord Redefdale.

Lord Auckland defended the positions laid down by Lord Grenville, by recapitulating the arguments which he had formerly adduced in support of his motions.

Earl Carysfort followed on the same side, and deprecated in strong terms the idea of subjecting the judges to a species of control from which every other subject of this country was exempt—thereby rendering them the tools of the minister of the day.

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The *Earl of Suffolk* maintained the necessity of resorting to the opinion of the judges, as to the legality of their mode of proceeding.

Lord Ellenborough declared, that his own opinion was decidedly in favour of the proceeding by *scire facias*, as the question would thereby have a legal investigation, and as the learned judge would then be tried by his peers. But, as the case now stands, their lordships had adopted another mode of proceeding. The law clearly said, that they may in certain cases proceed to address his majesty for the removal of a judge; it was therefore evident, that they may make inquiry as to the facts upon which that address is to be founded. The words appeared to him to be so unambiguous, and the inference that their lordships had the legal power of proceeding as they had done was so plain and natural, that he had no hesitation in saying that there was no necessity for asking any opinion of the learned lords upon the case.

Earl Darnley supported the motion as the only means of ridding their lordships' minds of any doubt upon the case.

The question was then put, and there were—

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Adjourned at half past one.

HOUSE OF COMMONS.

MONDAY, APRIL 1.

Bowyer's lottery bill was read a third time and passed.

Mr. Parnell, from the Chancellor of the Exchequer of Ireland's office, presented an account of the funded debt, and of the charges on the consolidated fund. Ordered to lie on the table.

Mr. Hase, from the bank of England, presented an account of the dollars issued by the bank, up to the latest period, so far as the same could be made out; which was ordered to be printed.

The neutral ships bill, the American treaty bill, and the foreign ships privilege bill, were severally read a third time and passed.

TENTH NAVAL REPORT.

The *Chancellor of the Exchequer* rose to move, that the motion respecting the tenth naval report, that stood for Thursday, should be deferred till a later day. He had understood that a letter had been addressed by Lord Melville,

on Thursday last, to the commissioners of naval inquiry, respecting the tenth report, that would throw light on many points of that subject. He thought it therefore of the utmost consequence that this letter, together with any proceedings thereon on the part of the commissioners, should be laid before the house, and printed with the other papers relative to that subject. For this purpose it would be necessary to postpone the order as it now stood for Thursday. He did not wish by any means to protract the discussion; but he thought the house would see the propriety of having every possible information before them. An early day might be fixed next week; at any rate he did not wish it should be protracted beyond the Easter recess.

Mr. Grey was certain, he said, that his honourable friend, who was still absent, would be willing to give every opportunity for full information on this important subject, but at the same time would be averse to any unnecessary delay. If the letter the right hon. gentleman had alluded to was so very extensive as to require a postponement, the discussion might be deferred till Friday, which would answer, he thought, every necessary purpose; but even the beginning of next week was too long a delay. He wished to know if any answer had been received to Lord Melville's letter?

The *Chancellor of the Exchequer* again stated, that the letter contained points of explanation that were of the highest importance, and it would be impossible to have it ready for the perusal of the members by Thursday, and therefore Friday also would be too early for the discussion. Monday, he thought, would be the earliest day possible, and would create so short a delay, that no inconvenience could be felt from it.

Mr. Fox was also anxious to have all the information possible on this subject, but wished that Friday could be fixed for the discussion, as the delay of another week might be attended with inconvenience to such members as found it difficult to continue longer in town.

Mr. Francis reminded the house that his motion respecting the state of India stood for Monday next, and that he would not postpone it but with the greatest reluctance.

The *Chancellor of the Exchequer* observed, that as the hon. gentleman, he supposed, was fully prepared on the subject, he might take an earlier day, as Friday, or even Thursday for instance.

Mr. Francis had no objection, he said, to Friday.

Mr.

Mr. Grey was willing therefore to postpone the order till Monday, provided it was understood that no farther delay should take place, which was accordingly agreed to.

The Chancellor of the Exchequer then moved, that the *e* he laid before the house a copy of a letter sent by Lord Melville to the commissioners of naval inquiry, dated the 28th of March, as also any proceeding on the same, or any answer thereto by the commissioners.

On the motion of Lord Archibald Hamilton, the committee on the petitions against the corn bill, which stood for Thursday, was postponed till after the recess.

IRISH ATTAINDER ACT.

Mr. Martin (of Galway) rose in pursuance of a former notice to move, that there be laid before the house a copy of the evidence and proceedings taken before the commons of Ireland, relative to the act of attainder of the 38th of his present majesty, so far as respects Cornelius Grogan, Esq. of the county of Wexford. His object in making this motion, the hon. member said, was that the evidence on which the Irish House proceeded might be laid before this house, that they might be able to judge how far the proceedings against the said Cornelius Grogan were justifiable. The question was a delicate one, he admitted, in respect to the noble lord (Lord Castlereagh), and involved the character of his lordship's administration. Where the calls of duty, however, were so urgent, he must decline consulting the feelings of that noble lord. He could not execrate in language sufficiently expressive the line of conduct that had been pursued relative to Mr. Grogan. He could not use words that would render the treatment he had experienced sufficiently detestable. His life had been taken away without the verdict of a jury, and even without the ordinary formalities of a court martial. Not more than twenty-four hours were consumed in his apprehension, trial, and execution, altogether. The officer who approved and ratified the trial was not present when the evidence was given, nor could the witnesses, in such circumstances, be heard. To give it the name of a trial was an outrage to all the forms of justice.

Lord Castlereagh observed, that had the hon. member stated the object for which he brought forward the motion, he could have had no objection that every necessary information should be laid before the house. With respect to the statement he had made, he had confounded two very

distinct things, the trial by the court martial and the consequent proceedings of the house of commons in the act of attainder. The court martial had been held by the order of Lord Lake, and consisted of thirteen or fourteen officers; and had been attended with as much formality as the situation of the country would admit, there being an actual rebellion in Wexford. The parliament of Ireland, however, in the bill of attainder, did not take the minutes of the court martial as the ground of their proceedings, but had acted on *viva voce* evidence, taken before themselves. He was not certain, however, if such minutes could now be produced, nor was he aware that any evidence or record could be laid before the house to enable it to adopt any ulterior measure. The noble lord concluded by moving the order of the day.

Mr. Martin would have been surprised indeed, he said, if the noble lord had not disapproved of his motion, as he must know how little calculated such a discussion was to do credit to an administration of which his lordship was at the head. The hon. member contended that there was no want of documents, and pledged himself, if necessary, to find the evidence which it was his wish to submit to the house, as correct notes had been taken of it at the time. Reverting to the court martial, the hon. member insisted that all the necessary formalities had not been complied with. He would ask his majesty's attorney general, if a person taken from the king's prison, and not taken in any act of rebellion, was a legal subject of a court martial? And yet this had been the case in respect to Mr. Grogan. He had not joined, but been detained by the rebels. He would stake his credit, that the evidence he had moved for would bring to light such flagrant proceedings as had seldom, if ever, been heard of, and which he was not at all surprised the noble lord should be anxious to keep in the back ground. The country, he asserted, was in perfect peace at the time. The king's commission was in the county of Wexford, to deliver the gaols. Was there any reason, then, for a military court-martial to call them out? The hon. member then adverted to the evidence given by General Craddock before the Irish commons, whose answers to questions that he himself had put to him, he begged leave to recall to the memory of the noble lord, and which clearly shewed the irregularity of the proceedings of the court martial. His object in obtruding this motion on the house was, he thought, a very laudable one. Should it appear that there was no evidence sufficient

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to warrant the proceedings that had been taken against Mr. Grogan, his relations at least ought to have redress.

Mr. Fox observed, that the ground of the noble lord's objection did not appear to him to be at all admissible. He had said there was no evidence to be produced. Whatever might have been the case in Ireland, such, he was certain, was not the case in this country; for if no evidence could be afterwards produced, attainders would be irreversible; but the noble lord was too well acquainted with the history of this country to be reminded that many instances had occurred of attainders being reversed. If what he had heard on this subject was true, there could be no doubt that that act ought to be reversed; but that was not the question, till the evidence should be in due form before them. Severe in general were the times when acts of attainder were resorted to, but to render them irreversible by refusing a reversal, would be to aggravate that severity.

Lord Castlereagh complained of being misunderstood. It was not his intention to stand between them and evidence, his objection was, that no specific object had been assigned by the hon. mover of this motion. He had since, however, stated his object, and therefore if the information wanted existed in such a state as to be laid before the house, he should not oppose it. He insisted that the county of Wexford was at the time in a state of rebellion, to such a degree that Serjeant Stanley, in going to Cork to adjourn the assizes, had very narrowly escaped with his life. It was on his way to Cork that he was in Wexford, and not for the purpose of delivering that county.

Sir John Newport said, that the case of Mr. Grogan was a very remarkable one, as his next brother fell fighting with the king's troops in defence of his country, while the other brother, who now enjoyed the small remainder of the property that had been left, had been wounded in the same cause. Should there be no documents, he said, the motion could not be followed up, but surely the parliament of Ireland could not attain a man without evidence of some kind, which it was the object of the motion to produce.

General Loftus, having been in Wexford at the time of the court martial, thought it necessary to say a few words. It consisted, he said, of as respectable officers as were in the king's service. He had been the cause of apprehending Mr. Grogan, as he had told General Lake where he was to be found. After the trial, a representation had been made to him

him by some of the inhabitants, that Grogan was not so guilty as was thought; in consequence of which he had applied to General Lake to suspend the execution, which had been accordingly done for almost a whole day, till, from other representations of the inhabitants, he thought it no longer expedient to advise General Lake to delay the execution. The greatest depredations at the same time were every where committed, so that it was impossible for any court of justice to sit.

Lord Castlereagh declared that as the honourable member had stated the object of his motion, and as it appeared to him parliamentary, he had no objection that it should be agreed to. He was aware of the merits of others of the family in question, and the crown had already shewn its sense of their good behaviour by giving the property to the near relations of Grogan. The noble lord concluded by withdrawing his motion for the order of the day.

Mr. Francis observed, that the attainder was peculiarly hard in this case, as it did not only fall on the innocent, but also on the meritorious.

The motion was then carried, and the papers ordered accordingly.

Mr. Martin moved also, that there be laid before the house a return of the particulars of expence incurred in Ireland for criminal prosecutions conducted by the crown, from the 1st of January 1795, to the 1st of January 1801. Ordered.

Mr. James Fitzgerald rose to remark, that so long ago as the 11th of February last, an order of the house had been made that the proper officer should make a return of the number of persons taken up in consequence of the suspension of the habeas corpus in Ireland; as also an account of the persons discharged. As yet, at the end of seven weeks, he found no such return on the table. He moved, therefore, that the order be read; which having been done,

The *Speaker* stated the usage of the house in such cases—When any return has been ordered, and that return has been neglected to be made, the usual course is to repeat the order in a more peremptory form. Should that not prove effectual, the next step is to order the attendance of the person or persons at the bar of the house.

Mr. Fitzgerald then moved, that the said return be made forthwith. Ordered.

ENGLISH MILITIA BILL.

On the motion of the Chancellor of the Exchequer, the English militia bill was read a third time.

The Chancellor of the Exchequer brought up a clause relative to the allowances made to the wives and families of the militia, which was read a first time; but on the question for the second reading, Lord Douglas and Sir W. Young started some objections, which led the Chancellor of the Exchequer to explain. The object of his clause was to prevent allowances being made by their respective parishes, after a certain time, to the wives or families of such of the militia as may volunteer according to the provisions of the bill. The clause was then read a second and third time, and agreed to.

Upon the question being put that this bill do pass,

The *Marquis of Douglas* observed, that the present measure was nothing less than a repeal of the additional force act, which a right hon. friend of his had been blamed for comparing to a rustic maid, of which the minister was enamoured. Perhaps, on the other side of the house, it might be called by a much loftier name; it might there be said to be a second Minerva, not extracted from the head of Jove alone, but far surpassing that, as being the produce of the united genius of all Olympus. Notwithstanding the high opinion which might be there entertained as to the merits of both these bills, he contended that the former had fallen short considerably of its object, and that the latter was calculated to ruin the militia by taking the gentlemen of landed property away from it, and destroying the confidence which the men now had in their officers; it was also unjust in its operation on the public, as it occasioned an inequality of taxation on different classes of the people.

Mr. Sheridan agreed with the noble lord, that the measure now proposed had a tendency to destroy the militia system; however, he did not think that it did so in the most fair and manly way, but, on the contrary, he thought it did so by the most insidious means. The hon. member farther remarked, that there was one point which had not yet been touched upon, that was the wording of the preamble of the bill, which appeared to be somewhat extraordinary to him. The bill began with a very sagacious remark, that, "whereas it is necessary to augment his majesty's forces." This was,

was, truly, a most notable discovery, and he would be glad to hear it mentioned when it was that the right hon. gentleman was so very fortunate as to hit upon it. He should have thought that the house was acquainted with that circumstance when they passed the additional force bill; it would be very singular, indeed, if they passed a bill to add to the forces without knowing that it was *necessary* that they should be augmented. Being convinced, therefore, of the superfluity of making such a remark appear to be the basis of an act of parliament, he thought it would be more proper that the preamble should run thus: "Whereas an act has been passed last session of parliament, for raising an addition to his majesty's forces, and it has been found out that, from the time of the passing of that act to the present period, not a single man has been added to his majesty's infantry; it is therefore expedient, &c." This would at least be truth, and that is a very good thing in an act of parliament.

The *Chancellor of the Exchequer* said, that a statement of the fact would be the reverse of what had been suggested.

Mr. Fox remarked, that it was not likely that the right hon. gentleman would choose to confess that his own measure had failed; but the house would recollect with what contempt he treated the late administration. Then, when he came into power, he must, of course, produce something new, and the parish bill was accordingly brought forward. If that had not failed, where was the necessity of resorting to the present unconstitutional measure of transferring men raised for home defence, into service of a general nature, both as to its extent and its duration? His chief objection to the present bill, however, was, that it was formed upon that system to which the right hon. gentleman was so partial, namely, that it was only a temporary expedient.

The *Secretary at War* stated, that the former act had, for the last fifteen weeks, raised in Great Britain, from one hundred and eighty to two hundred men per week, and that was upwards of what would be necessary to complete a force of ten thousand men within the year. That he conceived to be a material addition to the military strength of the nation. He therefore insisted that the measure could not fairly be said to have failed.

Mr. Fox, in explanation, said, that he had spoken of England only, and not of the empire.

Mr. Sheridan observed that, by the accounts upon the table

table of the house, it appeared that the present total of his majesty's infantry, instead of being considerably more than it was at the passing of that act, was something less.

Mr. Windham reminded the house that they had passed an act for the gradual reduction of the militia. Now it seemed to be found necessary that the militia should not only be reduced, but that they should be immediately reduced, and further, that they should be transmuted into regulars. Why did not gentlemen call things by their proper names, and say that this was a bill for transforming militiamen into regular soldiers? Was their system so very changeable that the recollection of their former measures passed away like their visions; or did they think that they had performed something like a military manœuvre, that they had marched away in silence without the beat of drum, and left only their tents standing that we might not be aware that the main body had stolen away under cover of the night? They had said, however, that their former measure had not had a fair trial, and accordingly they had more time given for the accomplishing of their object. But now it seemed that it was put off *ad Græcos calendæ*, in order to make way for this new plan.

Mr. Canning insisted that it was impossible that any gentleman could have a wish to accomplish an object, and not at the same time agree to any mode that was offered for carrying it into execution. If persons approved of the abolition of the slave trade, for instance, they might be divided in their opinions as to the propriety of immediate or gradual abolition; but it was impossible that they could disapprove of both these modes. One plan had been brought forward to recruit the army, and though it had added considerably to the number of our forces, yet it had so far failed that it had not raised the men within the time expected. Here was another scheme offered by which the army would be immediately recruited, and yet it was objected to as much as the former. As to the idea of an inroad being made upon the constitutional system of the militia, he observed that it had but little weight with him, as in a free state the very existence of a standing army was a sort of compromise, and that compromise was essential to the safety of the nation.

Mr. Giles observed, that the additional force bill bore three statements upon the face of it—1st, that it should raise a permanent additional force for the defence of the empire; 2dly, that it should raise that force immediately;

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and 3dly, that it should gradually reduce the militia. But that act, he contended, was to be repealed by the present bill.

The Chancellor of the Exchequer rose to reply, but Mr. Windham spoke to order, in which he was supported by the authority of the Speaker.

The Chancellor of the Exchequer then said that he would dare to say that the hon. gentleman (Mr. Windham), or some of *his* friends, would give him frequent opportunities of delivering his sentiments.

The question was then put from the chair, and the bill passed.

The excise additional duties bill was read a third time and passed.

The Bengal council bill, and the Irish spirits permit bill, were committed. The former was reported, and ordered to be read a third time the next day, and the report of the latter was ordered to be considered on the same day.

The Irish militia volunteering bill was read a second time, and ordered to be committed next day.—Adjourned.

HOUSE OF LORDS.

TUESDAY, APRIL 2.

Counsel were heard for the appellant and for the respondent, in the Scotch appeal, Blane against the Earl of Cassilis. Further hearing next day.

The militia reduction, America foreign states importation bill, American treaty bill, foreign prize ships bill, customs and excise duties bills, Bengal council bill, Bowyer's lottery bill, and some other bills were brought from the commons and read a first time.

Lord Hawkesbury moved, that the militia reduction bill be printed. He stated it to be his intention, when the bill should be printed, to move that it be read a second time on Thursday; with this view he now moved that the lords be summoned for that day. Ordered.

Lord Mulgrave said, that in order to prevent the recurrence of a circumstance similar to that which had taken place the preceding night, when one noble lord, availing himself of what he considered a standing order of the house, had erected himself into a majority, and forced their lordships into a committee; and viewing it, as neither consistent with the dignity or regularity of their proceedings; that

that such an order should be allowed to continue on the books of that house, he thought it his duty to give notice of its being his intention, on Monday next, to move that said order be taken into consideration.

Earl Spencer thought, if the noble lord built his intended motion merely on the impropriety of any noble lord having it in his power, by moving that the standing order alluded to be put in force, to erect himself into a majority of the house, such objection would equally apply to every standing order of the house, and his lordship might, with equal propriety, move that they be all expunged from the books.

After some farther conversation between the Lord Chancellor, *Earl Spencer*, and Lord *Mulgrave*, the house was ordered to be summoned for Monday on Lord *Mulgrave's* motion.

The bills on the table were forwarded.

Several Scotch appeals which depended on the decision of the appeal the *Earl of Kinnoul* against *Ramsay Maul* were allowed to be withdrawn without costs. Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 2.

Lord *John Thynne* took the oaths and his seat for Bath, for which he had been re-elected.

Admiral *Markham* brought up the report of the Portsmouth petition for a new gaol, which was agreed to, and a bill ordered to be brought in accordingly.

Leith harbour improvement bill was read a first time, and ordered to be read a second time.

Mr. *Creevey* gave notice, that he would the next day move for farther documents relative to the balance due by the late *Keith Stewart*, esq.

Dr. *Duigenan* moved for leave to bring in a bill to amend *Queen Anne's bounty act*, so far as it related to Ireland. Granted.

An account of the application of the surplus revenue of the Isle of Man was laid on the table, pursuant to a former order, and ordered to be printed.

Mr. *Sturges Bourne* brought up the report of the innkeepers' additional allowance bill, which was agreed to, and the bill ordered to be read a third time the next day.

The customs duties bill was read a third time, and passed, as also the Bengal council bill.

IRISH MILITIA.

The Chancellor of the Exchequer having moved the order of the day for the house resolving into a committee on the Irish militia bill,

Sir John Newport rose, he said, not to oppose the Speaker's leaving the chair, as in former stages of the bill he had been sufficiently convinced that no arguments he could use would bring the majority of the house to his way of thinking on the subject. He wished, however, to suggest to the right hon. gentleman a measure which, in his opinion, was better calculated than any other to increase our disposable force; he meant a measure that might make provision for the wives and families of such as volunteered their services from a limited to general service. The militia had certain allowances made to their families, from their respective parishes; but the moment they entered the general service, those allowances were withdrawn. This he thought a very great hardship, and naturally calculated to operate as a drawback to the regular service and as a check to volunteering. The hon. baronet also recommended to the right hon. gentleman to make some provision for the wives and families of such as may be embarked for foreign service, to enable them to return to their respective homes. The misery and beggary of such families, on their return home, was for the most part truly deplorable. He had known a thousand wives of this description at a time landed at Cork, after an embarkation for foreign service from this country. He did not himself pretend to be able to propose an adequate remedy; but something, he thought, ought to be done, and would therefore recommend to the right hon. gentleman to adopt some remedy for the evils he had mentioned, as one of the most effectual means of facilitating the increase of our disposable force.

The *Chancellor of the Exchequer*, in regard to the first topic suggested by the hon. baronet, was of opinion that the evil he complained of was in a great measure owing to the defective system of poor laws that prevailed in Ireland. No man lamented more than he did the evils of that system; but it was a subject of too much importance to be entered on hastily; and the measure of provision recommended by the hon. member, though an object extremely desirable, would require to be well digested, and could not, in any shape, be introduced into the present bill. He thanked the worthy baronet,

baronet, however, for the laudable anxiety he discovered on this subject, and assured him that none would more cordially second any measure that might hereafter be brought forward to ameliorate the system alluded to, than he was ready to do. With respect to the other topic suggested by the hon. baronet, namely, to make provision for the return of the families of such as embarked for foreign service, he begged to inform him that a separate bounty was generally allowed in such cases, for the express purpose he had mentioned. Such was the practice during last war, and particularly at the greatest embarkation that took place during that period.

Sir John Newport was not ignorant that such had been partially the practice; but the allowance, he contended, was too small, and in the instance alluded to by the right hon. gentleman, not more than a guinea and a half, which in most cases would be very inadequate.

Colonel Bagwell most sincerely concurred in recommending the adoption of some measure to remedy the evils complained of.

The house then went into the committee, and on resuming ordered the report to be received the next day.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 3.

Counsel was heard in continuation for the appellant in the Scotch appeal, Andrew Blane, esq. against the Earl of Cassilis.—Farther hearing next day.

The bills on the table were forwarded.

The innkeepers' additional allowance bill, and several private bills, were brought from the commons, and read a first time.

Mr. Stavelay, from the post-office, presented an account of the net proceeds of that branch of the revenue for the last twenty years, up to the 5th January, 1805. Ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 3.

On the motion of Mr. Manning, leave was given to bring in a bill to alter and amend the West India dock act, of the 40th of his majesty; and for extending the power of the commissioners under that act.

Dr.

Dr. Duigenan obtained leave to bring in a bill to amend an act of the 43d of his majesty, entitled, an act for granting to his majesty 50,000*l.* for building glebe houses in Ireland.

ADMIRAL KEITH STEWART.

Mr. Creevey rose, pursuant to notice, to bring forward certain motions relative to the balances due to the public from the late Admiral Keith Stewart. Since he lately submitted some motions to the house on the subject, he understood that the lords of the treasury had delegated to the lord chief justice clerk of Scotland (who was then lord advocate) a power to recover those balances. Now, the object of some of his motions was to ascertain the nature of this power; also what sums the lord advocate had recovered from the representatives of Admiral Keith Stewart; and, if any, what sums he had paid to the treasury; also, what time such sums remained in his hands before the payments were made. Another motion, the hon. member stated, would refer to an application made to the lords of the treasury from the corporation of Edinburgh for the use of 21,000*l.* the remaining balance, to be applied to certain purposes of supposed public utility in that city; together with a copy of the petition from the corporation of Edinburgh; and of the order from the treasury for referring the said petition to the consideration of the court of exchequer in Scotland.

The several motions corresponding with the statement of the hon. member were put and agreed to, after a conversation between *Mr. Creevey*, *Mr. R. Dundas*, and *Mr. Sturges Bourne*, who, in the course of his remarks, begged it to be understood, that it was not the intention of the lords of the treasury to comply with the request contained in the petition from the city of Edinburgh.

Ordered, on the motion of *Mr. S. Bourne*, that an account should be laid before the house of such further proceedings as the lords of the treasury may have taken for recovering the sums due to the public from the representatives of Admiral Keith Stewart.

IRISH UNION COMMISSIONERS.

Sir John Newport rose to make his promised motion for the production of a copy of the case laid before the attorney and solicitor general of England on the 16th of May, 1801, by direction of the commissioners for awarding compensation in Ireland in consequence of the union, relative to the claim for compensation

compensation from the attorney and solicitor general of Ireland; together with a copy of the opinion of the attorney and solicitor general of England upon this case. The reason which induced him to bring forward this motion, the hon. baronet stated to be this, that the house should be put in possession of the nature and conduct of this singular commission.—It appeared, that notwithstanding their appeal to the judgment of the attorney and solicitor general of England, they acted in direct contradiction to the opinion delivered by those learned gentlemen. But still more, and it was particularly necessary to call the attention of parliament to the subject, this commission had now been existing for several years, without really having any thing to do, and seemed still determined to go on. The commission consisted of four persons, each of whom received a salary of 1200*l.* a year, and it was now above three years since the commissioners wrote a letter to the lord lieutenant, stating, that their business was so much diminished that they had no occasion to meet every day, as they had previously done, and requesting that they might be called on to meet only every Monday. In order to contrive some appearance of employment, he understood that those commissioners prolonged an inquiry on a particular claim for several months, dividing the inquiry between them two and two alternately, Monday after Monday. It really struck him as matter of surprise and shame that such a commission should have been so long tolerated, and there appeared no disposition to put an end to it. Indeed, according as it went on, it was likely to continue for ever, unless something was done to terminate its existence. Feeling that any expenditure of the public money that could be avoided under the present circumstances of the country ought to be prevented, and that this commission was now become unnecessary, he should take occasion very soon to call the attention of the house to this subject.

Dr. Duigenan said, that he was a member of the commission at the time stated in the motion, and that he did not recollect any such case as the hon. baronet alluded to. As three of the commissioners were lawyers he did not think they required any advice from the law officers mentioned in the motion, or from any other persons, as to the mode of performing this duty. The learned doctor added, that he had long since resigned his place in the commission.

Sir J. Newport declared that he had not made his motion on light grounds, for the case alluded to was mentioned in the

minutes

minutes from this commission which were on the table of the house.

Mr. S. Bourne doubted the propriety of having the opinion moved for brought forward, unless it were accompanied by the opinion of the attorney and solicitor general of Ireland, whose judgment was more particularly entitled to attention upon an Irish question.

Mr. Kinnaird was rather surprised at the singularity of the hon. gentleman's observation, that the opinion of the attorney and solicitor general of Ireland was peculiarly entitled to attention upon a case in which those gentlemen themselves were principally interested.

After a few more words from Sir J. Newport and Dr. Dui-genan, the motion was agreed to.

NAVAL COMMISSION.

Mr. Williams appeared at the bar, and presented a copy of Lord Melville's letter to the commissioners of naval inquiry, together with a copy of the answer.

The Chancellor of the Exchequer moved that these papers should lie on the table.

Mr. Francis and *Mr. Alderman Combe* expressed a wish that they should be read by the clerk.

The Speaker said, that it was competent to any gentleman to make a motion to the effect mentioned by the hon. gentlemen.

The Chancellor of the Exchequer professed a wish to accelerate the printing of those documents for the satisfaction of all the members; but had no objection to accede to the wish of the hon. gentlemen on the other side. The right hon. gentleman therefore withdrew his motion.

On the motion of *Mr. Francis*, the papers were read by the clerk.

They were afterwards ordered, on the motion of *Mr. Pitt*, to lie on the table and to be printed.

On the motion of *Mr. William Dickinson*, it was ordered that copies of three letters from Sir Home Popham to the navy board be laid before the house, together with copies of the answers thereto. The letters of the gallant officer are dated the 25th of February, the 28th of February, and the 26th of March.

It was then ordered that *Mr. Kinnaird's* motion on the same subject should stand for the 7th of May.

The Chancellor of the Exchequer gave notice of his intention

tion to propose some alterations to be made in the property tax act on Friday next.

The Irish spirits permit bill was reported; the resolutions were read and agreed to. The bill was afterwards read a third time and passed.

Mr. Giles moved that there be laid before the house, a return of the number of men that have been raised under the additional force act, from the 1st of February up to the latest period, specifying the number of men which have been raised within each parish, and stating what numbers of them have enlisted into the regular army.—Ordered.

Colonel Bagwell brought in a bill to amend the 35th of the king, which relates to the regulation of elections in Ireland.—Read a first time, ordered to be printed, and to be read a second time on the 7th of May.

The innkeepers' allowance bill was read a third time and passed.

The committees of supply and ways and means were put off till Friday.

Mr. Foster presented certain accounts relative to the excise for Ireland, pursuant to an order of the house. Ordered to be laid on the table.—Adjourned.

HOUSE OF LORDS:

THURSDAY, APRIL 4.

Counsel was heard in continuation in the Scotch appeal, Blane against the Earl of Cassillis. Farther hearing on Monday.

On the motion of the Earl of Suffolk, copies of the letter from Lord Viscount Melville to the commissioners of naval inquiry of the 28th March last, and of the answer thereto, were ordered to be laid on the table.

On the motion of Lord Ellenborough, Bowyer's lottery bill was read a second time, and ordered to be committed.

On the motion for the second reading of the assize regulation bill,

The Earl of Suffolk said, that he thought the assize of bread a subject well deserving of investigation. It was a fact that great quantities of bread were brought into the metropolis from the country, in waggons, and even in stage coaches, and sold under the price fixed in London by the assize.

The bill was then read a second time.

Lord Grenville moved that the house be summoned for the 10th of May, on the subject of the Irish Roman catholic petition.

Lord Auckland begged to know what was to be the precise nature of the question then to be submitted to the consideration of the house?

Lord Grenville said, that he should then move that the house go into a committee to take the prayer of the petition into consideration; but he could not at present state the terms of his motion more specifically.

A conversation then took place between Lord Mulgrave, the Marquis of Sligo, the Lord Chancellor, and Lord Grenville, on the subject of the standing order, of his intention to move for the expunging of which Lord Mulgrave had given notice for Monday next, when Lord Mulgrave agreed, in the mean time, to postpone his motion.

Lord Hawkesbury expressed a hope, as there was no very pressing necessity to call for the passing of the advowson bill before the holidays, that the right rev. prelate (the Bishop of Oxford) would agree to postpone the committee on that bill which stood for that night.

The Bishop of Oxford signified his assent.

Lord Grenville expressed himself as highly friendly to the bill. He thought it the very best thing for the interests of religion which could possibly happen, that patronage should be as much mixed as possible, and should not be limited to one particular species.

The committee on the bill was then postponed till the 26th April.

Earl Darnley inquired of Lord Melville if all the papers which had been ordered relative to the naval inquiry were on the table, and particularly asked how it was intended to get the better of the order for producing the letters which the noble viscount seemed now to think unnecessary, the more particularly as the message from his majesty had stated that they would be produced?

The Lord Chancellor did not think that any such case had ever occurred; and Lord Grenville suggested that it ought to be by a communication of the inconvenience of complying with the production coming from his majesty, to be made to the house by some of his confidential servants.

MILITIA REDUCTION BILL.

The order of the day for the second reading of the militia reduction bill being read,

Lord

Lord Hawkesbury entered into an examination of the leading reasons which had induced government to think the present measure necessary. Every person agreed that the chief object, at present, was to create a large disposable force; and of every species of disposable force, that most wanted was infantry. The present bill went, in the most expeditious way that could be devised, to give an increase of 17 or 18,000 men to our disposable infantry. He hoped for the approbation of all the noble lords who had, on a former occasion, approved of a similar measure.

The *Marquis of Buckingham* had voted for the augmentation of the militia force, and thought it might have been maintained had government not fallen on different ways of disgusting the officers. Was this the only measure which was to be expected from the giant promises of our rulers? They could only increase our regular army by taking an equal number of men from our militia.

The *Earl of Derby* agreed with the noble marquis. He doubted if the present measure would be at all productive, but, if so, it must be to the ruin of our militia. He agreed also with the noble lord opposite, that a disposable force was particularly to be desired; he could not, however, approve of robbing one species of force to increase another. What were ministers doing but telling Bonaparte that they could not raise 17,000 men in this country without robbing another service to procure them? Must not such an acknowledgment be doubly painful at the present moment, when we learned that a French fleet was riding triumphant in the West Indies; and that it would require as many thousands to recover our possessions in that quarter as it would have done hundreds, if properly bestowed, to preserve them? The injustice of the present measure too was glaring in the extreme. The expence of raising and supporting the militia fell severely on a limited class of the community. By the last bill the militia was to be reduced gradually, and no ballots were to take place so long as any of the supplementary remained. By the present bill, however, these supplementary were at once to be drafted into another service, and balloting for any vacancies which might occur would of course immediately commence.

The *Earl of Buckinghamshire* vindicated government from the imputation of having forfeited their pledge to the militia, by the change in circumstances which had occurred. As to the alleged successes of the French in the West Indies, he

denied that they were such as the noble earl represented. Government had taken such steps as would render their attempts finally abortive, without there being any necessity of sending to that quarter any of the troops now sought to be raised.

Lord Boringdon did not believe the bill would entirely come up to the expectations of government, but he was, notwithstanding, of opinion that it ought to receive a trial.

... *Lord Cawdor* was of opinion that the right hon. gentleman at the head of affairs little understood the matter, when he thought that he would be able to enlist a force, such as the present bill proposed, from the militia into the regular army for life. He would find that he would procure none but those whose dissolute lives might make it convenient or desirable for them to change their situations, or who, induced by the bounty, which would enable them to get drunk for a few weeks, might enlist with the view of afterwards deserting. He could not forget the shameful scenes that had occurred when a similar measure was formerly adopted. He recollected, though he took no merit to himself from the circumstance, that his regiment was in a higher state of discipline than most of the militia regiments then were; the consequence was that few of his men volunteered. He received a complaint on the subject from Lord Melville, and he at the time stated to that noble lord the real cause of the supposed failure on the part of his regiment. Wishing to avoid the recurrence of a similar circumstance, he recollected too that he had applied to the noble earl opposite (Buckinghamshire), and although he declined giving him any assurance in his official capacity, he gave him to understand, as a friend, in the most satisfactory terms, that no such measure should again be resorted to. He left it to those noble lords who formed part both of the late and present administration, to reconcile this the best way they could.

The *Earl of Westmoreland* asked what there was in the militia system which said that men were to remain in it for life, and were not to be allowed to go into the regular army even when they were inclined? The original meaning of the militia system was to diffuse a military spirit and character into the country, and provided that after remaining three years in that service they should be discharged, with liberty to go into any service they inclined, and having thus acquired a military habit, it was to be expected that in many instances they would enlist into the regular army. The noble earl hinted

hinted to the noble lords opposite, that the interest of their friends might suffer from the part they were taking, as he had known persons dismissed from their regiments.

The Earl of Carnarvon—If every day did not convince me that public faith and public honesty were of little importance in the eyes of many statesmen, I should be indeed surprised at the proposition now under discussion, when the ministerial breath is scarce cold which held out to the country, before a consenting parliament who adopted the pledge, that this system, degrading to the militia, and of the highest injustice to those on whom it was an unequal burthen, should never be again recurred to. We are, indeed, told that necessity, in the management of public affairs, has neither faith, nor honesty, nor law; that the necessity of the existing moment will justify every deviation from the soundest principles of the past. We have been told that though it might be fit and proper, at one time, that the defensive force of the country, in the form of a militia, should be augmented at the expense of the land occupier, it was equally fit and proper, at another time, that the militia should be reduced, and converted from an appropriated to a disposable force. All this, I am ready to admit, may be in possibility, and in the abstract true, and justifiable by an imperious necessity; but parliament will, no doubt, expect the clearest proof of the peculiar necessity which is at this moment paramount to all other considerations. Necessity has been, however, truly called the tyrant's plea; and if parliament is, as it ought to be, a jealous parliament, watching with patriotic care over the rights and interests of the people, it will distinguish between a necessity simply asserted, and that which is distinctly proved. We are told that this measure is no novelty: unfortunately it is not; nor is it a novelty, in the long and changeful history of parliament, delivered down to us stained with the variation of each soil, and on which motley and disfigured stock we have grafted the more subtle poison of our days, that parliament should, on the bare assertion of any of its members, without the slightest proof, acknowledge necessities of state unknown to all the world besides: but though every species of neglect and injustice may have its precedent in the history of parliament, and in the practice of ministers, I shall think it my duty to suppose, that parliament does not therefore mean to sanction neglect or injustice, and that it will not act blindly or without proof and conviction of the absolute necessity. The noble lord who spoke last seems to

to think that the proof of necessity is his assertion of it; he also concludes that the present bill is entirely consonant to the principles of the militia, because the militia, in its original formation, was only for a limited period, and contained a clause by which a rotation of officers and men were secured to the county: but nothing can be more clear than the difference between an establishment, in which the officers and men of a county had a rotation of service that gradually made the whole county fit for its defence, and a premature destruction of that defensive force, raised at the expence of the land occupiers, which is effected by this bill. The noble lord who spoke last does not, indeed, rely much upon the arguments he has used, (and in that I am not surprised), but he has endeavoured to augment their efficacy by threats. The noble lord is a cabinet minister, filling a high office and a confidential situation; he assumed tones and gestures which rendered the threat intelligible to those who could scarce conceive its absurdity; he reminded those who hold the offices of county lieutenants, and command county regiments, that great persons have lost such offices for offensive opinions which they held; he hinted that the subject was delicate, but he advised deliberation and caution to those who held these opinions, before they ventured to urge them. This threat, indecent in itself and disrespectful to the house, as disgraceful to him who uttered it as offensive to those to whom it was addressed, can have no other effect than to raise the contempt of the last; and to convince all who heard him that the noble lord himself is capable of conforming his opinion to the pleasure of those from whom he holds his office; that he is capable of submitting to such disgraceful control I have a right to say, for he himself has told us so by uttering the threat and supposing its successful operation. [Here Lord Westmoreland rose and said that he meant no threat, but a friendly caution.] Lord Carnarvon continued:—The noble lord has not by his explanation (I had nearly said letter) made his case much better. The popularity of a constitutional militia for home defence not exceeding 32,000 men, in 1757, induced the land owners to petition for such force, and to charge themselves with the expence of the levy. The offered establishment was accepted, but it never found favour in the eyes of ministers, commanders in chief and generals; they harassed the land occupiers by the burthen of its augmentation, and the officers by its reduction and conversion of the regiments, which they had formed

formed for the internal defence of the country, into a drill for foreign service. The military system of this country has been in a constant state of fluctuation for many years, but more particularly since the late war. This is the only country in Europe that has not a regular, fixed, and well known rule by which to arm themselves for offence and defence in time of war. We have wavered between war militias; volunteers of shopkeepers, who cannot quit their shops; armies for limited service, to be afterwards tempted to volunteer into unlimited service; new fangled, antiquated, and impracticable prerogatives, dragged out of the charnel house of rotten and decayed usurpation, to bolster up a modern system of unconstitutional defence, more odious and alarming than the invasion which it was intended to meet. The constitutional principle of a regular army, with the consent of an existing parliament, so jealously asserted and preserved at the revolution in the declaration of rights, and re-echoed annually in the preamble of the mutiny act, has been trampled under foot by an incomprehensible act, known by the name of the parish act, which, without raising the men for present use, (in which it has failed), has inflicted a fatal wound on the constitution, by enabling the king, without the future consent of parliament, to raise 57,880 men, or 20*l.* per man to raise them by. At the hopeless treaty of Amiens, called by its negotiators and panegyrists an experimental peace, and by Spain, in its late negotiations, a continuation of the war; at this peace, which, according to all opinions, gave no hopes of its continuation, or removed the fear of war to a great distance, and of a vigorous, not a languid war, which is a contradiction in terms, after the full experience of the preceding war, in which every trick had been practised upon, and every shape given to the militia; the practice of recruiting the army from the militia was, on the fullest investigation, considered as an error, and solemnly renounced by government before an assenting parliament; and they considered it as essential to the defence of the country and to the vigorous disposition of the regular force, that the war establishment of the militia should be unalienably increased 20,000 men. On these assurances of government and pledges from parliament, the land occupier acquiesced without a murmur, and the abated zeal of the patrons of the militia and its officers revived, and the discipline of the militia was again restored. If this bill should pass, the faith of ministers and of parliament is for ever blasted; it will be obvious that
pledges

pledges are put forward to carry a point on public credulity, and not to be kept; their present justification cannot save the then administration from the imputation of the grossest fraud. It is in vain to say, that it was just and equitable to hold out an inalienable defensive militia, to be augmented at the expence of the land occupiers, from the prospect of war; that it was just and equitable to raise such force at their expence on the breaking out of the war, and immediately to seduce them from that service for general service out of the public purse, leaving the land occupier with the expence of that home defence of which he is to be plundered. This is a gross fraud and injustice, and has no termination, for if a change in public affairs can in so short a time justify such a change in our defence, in as short a time it may justify a return to the contrary system, and another *augmentation* may, with equal fitness and propriety, be raised at the renewed expence of the land occupier. Government has the audacity to propose to parliament, and to do themselves in parliament, what no individual would venture to do singly, out of parliament, in the private intercourse of life; or if he practised such iniquities, he would not be endured in society. Such conduct must raise universal indignation and a feeling of criminality to ministers, who have sacrificed the constitution of the country to the little views of the moment, and rendered it less the object of love and affection to those who might look with indignation on the errors and vices of ministers, and with loyalty and affection on the preserved constitutional government of the kingdom. Since the peace, the militia has been made a pretence to raise men on the private purse of the land occupier, without relieving him from his share of the public purse. The learned lord on the woolsack knows that when the army of the nation was of old drawn from the land tenants of the crown holding by knight's service, such land occupier was exempted from all talliage or taxes, and was entitled, as of right, to a writ of exemption. The land tax has of late been made permanent on him; and a practice has, since the last war, been introduced, which, besides an augmented militia to the number of 60,000 men, has burthened the private purse of the land occupier, and not the treasury of the nation, to pay the levy of above 31,000 for the army of reserve, and nearly 58,000 *permanent force* by the parish bill, amounting in the whole to 149,000 men not stated by ministers in the army estimates. And let it not be imagined that the expence falls the less on the land occupier

occupier because the overseer of the poor may, if he can, raise the men by the sum paid to him by the crown; the act will show that the crown cannot give a sum *above* three fourths of the bounty that shall be allowed to raise regular forces, and it is not easy for the overseer to obtain a man when government offers for the same man one-fourth more. But should the crown give only 6d. to the overseer, which the king's minister may do, or any sum much below three fourths, as to make it quite impossible to obtain a man, the penalty of 20l. per man attaches on the parishes, to be paid by a rate from the land occupiers, so that the 58,000 men may be raised at the will of the crown, at any time, and 20l. per man, viz. 1,160,000l. The whole sum raised, or to be raised, from the land occupier's purse, since the peace, amounts to three millions and an half, besides the expences incurred in keeping up the force of 149,000 men. This is the reward which the land occupiers have received for their generous and voluntary levy of 32,000 men out of their private purse; this is the treatment which they have experienced for renouncing, through zeal, their domestic comfort, without professional views. These acts of hardship and injustice have not even the dirty plea of economy in obtaining men for general service. A short statement will prove this beyond doubt: 40l. and even 50l. has been given for raising the war augmentation of militia, I put that at the low average of 30l.; less than 12l. I have not yet heard of, as the intended seduction money, making together 42l. for such soldier so obtained; the present price of army recruiting is 16l. per man, which deducted from 42l. as before stated, leaves a surplus of 26l. which is the sum given more than the man is worth; so that the land occupier is charged 26l., that the public purse (to which he also pays) may be spared 4l.; and the subjects of Great Britain are plundered, that ministers may appear less profuse in the army estimates. They have also another motive, equally criminal, which has induced the repeated augmentation of the militia *with a view to its reduction*. No necessity has been shewn for the present bill, and as the persons who moved the augmentation concur in the present reduction, they must therefore have intended to involve a large body of men, at the expence of the land owner, in a situation from whence they could be more easily seduced than from their domestic homes. These are tricks which may not add to the disgrace of a profligate administration, but are be-

low the dignity of parliament, and dangerous to its constitutional popularity.

The *Duke of Montrose* supported the measure from a conviction of its necessity, though, at the same time, he was not blind to the difficulties which attended it.

The *Earl of Suffolk* highly disapproved of the bill, as indeed of every military act of the present ministers. The first lord of the admiralty, too, who had promised such activity and attention, had permitted a French fleet to go to the West Indies two months before he thought proper to send after them.

Earl Camden supported the bill, and applauded the activity of government.

The *Earl of Romney* was decidedly against the bill, which went to the destruction of the most constitutional force in this country. The militia, from the time of its introduction in 1756, had been gradually improving in discipline and utility. It had been officered by some of the most considerable individuals in the kingdom, and had far exceeded the expectations of those by whom the institution was originally brought forward. He was a friend, as much as any noble lord could be, to the augmentation of our disposable force; but he could never consent to this as the mode in which that augmentation could be most advantageously obtained. The augmentation so procured was at the expence of the feelings and wishes of those who had brought the militia to their present state of improvement, and therefore he felt himself called on to resist the further progress of the measure.

The *Earl of Carlisle* considered the present as only another wretched expedient of the present administration. If they did not destroy the militia completely, it was only because they did not dare to venture on so unpopular a measure. But though they did not actually destroy the militia, they did every thing which could disgust all men of honourable feelings. They first employed some of the most respectable gentlemen in the kingdom to exert all their time and influence in preparing the militia for service, and then they withdrew the men from under their control. All the labour was undergone without any of the reward, or the honour to which their exertions were entitled. On such grounds he opposed the bill, and declared his conviction that enlisting for a limited period was, in the present circumstances of Europe, the only effectual mode of procuring that regular force, the necessity of which was on all hands admitted.

At

At length the house divided, when there appeared,

For the second reading	60
Proxies	42—102
Against it	35
Proxies	19— 54

Majority - 48

The bill was accordingly read a second time, and the house adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 4.

Mr. N. Vansittart took the oaths and his seat, as representative for the borough of Old Sarum.

The London bread assize bill, and the Irish militia volunteering bill were each read a third time and passed.

Lord Stopforth acquainted the house that his majesty had been waited on with the addresses of Friday last, and that he had been graciously pleased to give orders accordingly.

IRISH LUNATICS' ASYLUM BILL.

Sir John Newport moved the second reading of the Irish lunatics' provincial asylum bill. He then observed that he had been chairman of the committee which had, in June last, reported to the house that the grand juries had neglected to enforce the provisions of the 27th of the king, chap. 29, which empowers them to annex places to the different houses of industry for the reception of such persons as were the objects of the present bill. He then enforced the necessity of the measure which was before the house, and pointed out the principal benefits which were likely to result from it: from 150 to 200 persons in each province, who were now in a most wretched situation, would be rendered as comfortable as their unfortunate state would admit of; the community at large would not be terrified, as they hitherto have been, by their wandering abroad in waste places, and sometimes insulting people even in the most public highways; and all this would be done at considerably less expence to each county than they would be put to for the support of 20 or 30 persons kept separately in each place.

Mr. May declared that, if the grand juries had neglected to do their duty according to the provisions of an act already in existence, he did not see that that was any reasonable foundation

dation for the passing an act for the erection of places in which 1000 mad Irishmen were to be supported. These grand and magnificent buildings would unavoidably create a vast expence, which would be raised off the counties at the discretion of persons who did not reside in them. He therefore moved that the bill be read a second time that day six months.

Lord Dunlo deprecated the principle of the bill. That part of the country to which he belonged was not affected with the malady which it was the object of the honourable baronet to provide against. However, if a private bill of that nature was brought in for Waterford, if the honourable baronet should think it necessary, he would very cheerfully support it. As a general public measure, he thought it was unnecessary, and should therefore vote in support of the amendment.

Col. Bagwell thought that the honourable baronet deserved the thanks of the people of Ireland for his humane intentions. If he would be pleased to put off the second reading of the bill until after the assizes, when the sense of the grand juries would be collected, he had no doubt but that they would be in favour of it, and he should then give it his most cordial support.

Mr. Alexander approved of the principle of the bill, but objected to the machinery which was designed to carry it into execution.

After some further conversation, the question was put, and the amendment was carried without a division. The bill is consequently lost for the present session.

Sir W. Scott brought in a bill for the further encouragement of seamen, and more effectually manning his majesty's navy, which was read a first time, and ordered for a second reading on Tuesday next. He then gave notice that he would the next day move for the house resolving itself into a committee, for the purpose of considering of so much of the late prize act as relates to the salaries of officers in the vice-admiralty courts at Malta, Bermuda, and the Bahama Islands.

On the motion of *Sir R. Lawley*, that part of a former order of the house, respecting the expences of the volunteer establishment, which relates to exemptions from the hair-powder and horse duties, was discharged. He then moved that an account be laid before the house of the application of the funds of the agent general towards the expences of the
volun-

volunteer establishment; also the expence of the payment of the staff belonging to the volunteer establishment, from the 24th September 1804, to the 1st January 1805. Ordered.

A message from the lords announced their having agreed to the customs duties and the excise additional duties bills.—Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 5.

The royal assent was given by commission to the new excise and customs duty bills, and to about eleven private bills. The commissioners were the Lord Chancellor, Lord Auckland, and Lord Walsingham.

The legacy duty bill, and some other public bills, went through a committee.

On the motion of the Earl of Suffolk, the letter of Lord Melville to the commissioners of naval inquiry, and the further correspondence which took place upon it, were laid before the house.

Lord Hawkesbury moved the order of the day for going into a committee upon the militia bill. The house having accordingly resolved itself into the said committee, his lordship observed, that as he did not intend to move any amendment to the bill, in order to save their lordships time, it might be perfectly sufficient to read the bill short.

This suggestion was acted upon; the report was received, and the bill ordered to be read a third time on Monday next, for which day their lordships were summoned.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 5.

A message from the Lords by the black rod required the attendance of the house at their lordships' bar, where the royal assent was given by commission to the additional customs and excise duty bills, and the legacy duty bill.

A message from the lords notified their lordships assent to the Bengal council bill.

Admiral Markham brought in a bill for enlarging the jail of Portsmouth, which was read a first time, and ordered to be read a second time.

Mr.

Mr. Dickinson presented additional papers relative to Sir Home Popham.

Sir H. Mildmay moved, that these papers be read at the table as they were of extreme importance. Admiral Markham objected, as none of the former papers on this subject had been so read. A long conversation ensued, in which Sir R. Buxton, Mr. Jeffery of Poole, and Sir W. Burroughs, supported Sir H. Mildmay's motion. Lord Temple declared, that he would in turn move, that all the other papers relative to Sir H. Popham be read in the same way. The motion was agreed to, and the clerk proceeded to read the first paper, which was a letter from the navy board, explanatory of their report on the conduct of Sir H. Popham, and certain circumstances connected with that report. The clerk had proceeded for some time, but the paper being of great length, the Chancellor of the Exchequer suggested the vast inconvenience of going through it, and recommended an understanding, that such papers should be read shortly, which was agreed to.

The papers were ordered to be printed.

WEST INDIES.

Mr. Barham adverted to the alarm that prevailed on the state of our affairs in the West Indies. The right hon. gentleman opposite (the Chancellor of the Exchequer) knew the dismay in which the city was on this subject. It was conceived that great mischief had been done, and that the occasion of that mischief had arisen from the neglect of government. Whether that was the case or not, he would not say, but he wished to put some questions, with a view to ascertain whether proper measures had been taken for the security of our possessions and property in that quarter, that if such measures had been taken, the knowledge of the fact might do away the alarm. If such measures had not been taken, it would be proper to inquire why they had not. He should, if it were necessary, move for such papers as would give information of all the measures taken since the commencement of the war, for the security of our West India colonies; but he would content himself in the present instance, with inquiring what information government had with respect to the sailing of the Rochfort squadron, its force, its destination, and at what time this information had been received? He should wish also for the instructions given to Admiral Cochrane, and the dispatches received from that admiral from off Lisbon. He wished to know, whether that

that admiral sailed for the West Indies, and at what time, and what force he had with him? If these questions were satisfactorily answered, any motion on the subject would be unnecessary, as the time was passed when the disclosure they led to, could be of importance to the enemy.

The *Chancellor of the Exchequer* felt himself under the necessity of objecting, in the strongest manner, to the questions proposed by the hon. gentleman. The time was by no means passed, when the disclosure of the particulars required would be of importance to the enemy. On the contrary, it might be of the most material consequence to make these particulars known to them at present. He was certain, however, that when the proper time should come it would be evident that there was no neglect on the part of his majesty's government, and he was sure the alarm that existed was beyond all proportion, and almost altogether unfounded.

Mr. St. John said there were other papers to which his attention had been called, but if the disclosure of them was of any importance he would not press it. The papers he alluded to were, an account of our naval force in the West Indies in the last year; and a similar account for the ten years previous. The object was to shew, as he understood these accounts would, that the force in that quarter since the commencement of the war, was not greater than that which had been kept there during the peace. He gave notice, that he would move for these papers on the first open day.

On the motion of Sir W. Scott, the house went into a committee to consider of the salaries of the judges of the vice admiralty courts, when they were fixed at the following sums: for Malta, 3,000*l.*; for the Bahama Islands, 2,000*l.* Bermuda, 2,000*l.* with an addition of an annuity of 1,000*l.* The report was ordered to be received on Monday.

PROPERTY TAX.

The Chancellor of the Exchequer moved, that the house should go into a committee to consider of the propriety of some alterations he meant to propose in the property tax act: these were, first, to facilitate the exemptions and reductions, with respect to which there was now some difficulty; and secondly, a provision for the better valuation of leases for life or years, with respect to which also there was some imperfection at present.

After a few words from Mr. Fox, who stated that it was necessary to give additional facility to the abatements, as the
expense

expence and trouble of going to the commissioners, or employing agents, frequently caused the holders of small annuities to acquiesce in the tax unnecessarily paid for them by those from whom they derived this little income; from Mr. Galbraith, who thought the exemption should be secured to charities under 60l.; and from Mr. Bastard, who thought the farmer should pay only for his actual profits, and not for his estimated profits according to the calculation of the commissioners on the rent, leave was given to bring in a bill to repeal certain provisions of the act, and to consolidate and render it more effectual.

The Chancellor of the Exchequer said it was his wish that the bill should be read a first and second time, and then printed, to be considered during the holidays. The new regulations would be incorporated with those of the former ones that were suffered to remain, so that there would be but one bill on the subject.

The chairman reported, and the resolution was agreed to by the house.

PREVENTION OF SMUGGLING.

The *Chancellor of the Exchequer* moved, that the house should go into a committee to consider the propriety of making some additional provisions to check smuggling, which would be the most effectual means of augmenting the public revenue. The first remedy he should propose would go to check the smuggling articles of high duty, which were required to be conveyed in packages over a certain size. He would propose that such articles improperly conveyed, should be seizable, if found within 100 leagues of the English coast, if in English vessels, for with respect to our own trade we were at liberty to adopt what limits we chose. Another provision would be made with respect to Guernsey and the islands in its vicinity, where smuggling was carried on to an enormous amount. There would therefore be a distinct provision with respect to the vessels with packages below the legal size, approaching the islands nearer than a certain distance. A further provision would be made, when ships were seized with illegal packages on board, to make the crews subject to penalties unless they transferred themselves with their own consent to his majesty's navy. Those smugglers who should resist the officers of his majesty's customs, to be subject to the same penalties which now applied to resistance to officers of the revenue. The sale of seized spirits in the out-ports, and the conveyance

veyance of spirits under proof, by permit, to be no longer allowed; but all such spirits to be brought up to town, and applied in the best manner to the public service. The chairman of the committee was instructed to move for leave to bring in a bill accordingly; the report was brought up and leave was given.

STATE OF AFFAIRS IN INDIA.

Mr. Francis rose, and took a view of our affairs in India. It would not, he set out by observing, be denied, that the state of our immense dominions in the east, was a subject of the highest importance that could be submitted to the consideration of parliament. In proportion, however, as this empire was extended, it seemed to excite less of the attention either of the house or the public. It seemed as if its very greatness had rendered it superior to the capacity of the house fully to understand or beneficially to regulate. If this really was the case, it was only an additional proof of the impolicy of that all-grasping system which had too long guided our councils in India, only an additional confirmation that such a system must continue to produce consequences of the most disastrous nature. Abuses must, from the very nature of things, spring out of this excessive lust for power. Abuses must arise from the remoteness of our possessions, so little liable to investigation or punishment. But it was fit that the house should bear in mind, that evils which originated in India would not confine themselves to that country. Even at this moment, some of these evils were already felt, and many more would follow in their track. India, under its present government, afforded us no revenue. It was, on the contrary, there that our resources were consumed in ruinous conquests, that the flower of our troops were cut off, fighting unnecessary battles. India, under a wise system of policy, might be at once a source of revenue and a fund of the most beneficial commerce. Before these effects took place, however, the present system of apathy with regard to our Indian affairs, must be abandoned for a system of jealousy, of justice, and of moderation. From the conduct of parliament now with regard to India, it appeared as if her authority to legislate for that part of the empire were absolutely abdicated. From a deep conviction that this system could not long be persisted in, he had risen to call the attention of the house to the subject, as he had felt it his duty to do on many former occasions. Since he had last submitted the consideration of our affairs in India

dia generally to parliament, the constitution of the house had been so much changed, as well as the individuals who composed it, that it became necessary for him to take a short view of our India policy, from the time of our first settling there down to the present day, describing briefly the principles which parliament had at different periods laid down for the regulation of our government: In the first place, he had to state the reasons which induced him so often to take up this office; this thankless office, as he had often experienced it. It was in 1773 that his first connection with India originated, when he was sent out by the government of that period to be a member of the supreme council. During a residence of six years in India, his conduct had ever received the strongest marks of approbation; and on his return in 1781 it had undergone the most rigid examination. A committee of the house had examined every act or every opinion which he had delivered while a member of the supreme council; and he was proud in the recollection, that the report of that committee was as favourable as ever his most sanguine wishes could have desired. It was a report of the most unqualified approbation. Other committees had made similar reports, and after all the inquiry which did take place, he had a right to say, that though not formally tried, he was as much on his trial as even Mr. Hastings was, when he was formally arraigned before the highest tribunal in this country. To himself, who had received so little solid advantage from the attention he had bestowed on Indian affairs, it was a consolation to know that his conduct, and the policy which he had ever recommended, had received the most flattering testimonies. Having said so much respecting the origin of his connection with India, he proceeded to the direct consideration of the question, in doing which he assured gentlemen that they had no occasion to be alarmed by any apprehension of long, dry details. All that he had in contemplation was a bird's eye view of the business, for that would be fully sufficient for the object he had proposed on the present occasion. There was a great deal of matter in the papers before the house, to which he should not feel it necessary to allude, nor did he now mean to say any thing of those military operations, the details of which were so numerous and intricate. With regard to the origin of our connection with India, it was hardly necessary for him to remind the house, that it was originally purely commercial, but it was marked on the part
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of the native princes with every appearance of good understanding, and even kindness. They not only afforded us every facility for carrying on an advantageous trade, but actually conferred on us immunities and exemptions which many of their own subjects did not enjoy. It was, in a mercantile point of view, wise in the native princes to encourage trade with foreign nations. But while their commercial eye was open, their political eye was closed. They did not act on those principles which had so effectually excluded European nations from the dominion of China. It was not till 1765, that our situation in India sustained an important change. Our first connection with Bengal was in the character of adventurers; after that period, we began to assume the character of sovereigns. But what was then the language of Lord Clive, a man to whom we owe the erection of our immense eastern dominion? His language was—"My resolution and my hopes will always be to confine our conquests and our possessions to Bengal, Bahar, and Orissa. To go farther is, in my opinion, a scheme so extravagantly ambitious and absurd, that no governor and council in their senses can ever adopt it, unless the whole system of the company's interest be first entirely new modelled."—Such was the language of one whose knowledge was unquestioned, and whose policy laid the only sure foundation of our Indian possessions. He himself knew that the government of that day fully adopted these principles of limited dominion. When, in 1774, he went with the other commissioners to India, the government gave the most positive instructions to see that the same principles were followed up, and the commands of the directors were absolute on the subject. These were principles laid down while a French force had possession of a considerable part of India, and when the idea of undertaking a war for conquest might have appeared some excuse for deviating in a particular case from the general system of limitation. But it was not on these declarations that he found himself obliged to rest his opinion. In 1782, parliament unanimously resolved that the British empire should not be extended in India, and that no war should be undertaken from a lust of conquest. The same resolution was followed up by an express act of the legislature, in 1784; and at the renewal of the charter, in 1793, the continuance of the same policy was provided for in the most explicit terms. This general principle was therefore so clearly laid down, that it was absolutely impos-

sible to attempt to controvert it. He was aware that a distinction was attempted to be taken betwixt wars of oppression, which were never to be undertaken, and wars which were founded on justice and necessity. It was not very easy to see on what grounds such a plea was brought forward. Of the origin or justice of many of the wars in India, the house and the public were frequently, or rather always, without the means of forming a proper judgment. We had never any evidence but the testimony of one of the belligerent powers against the other, and therefore such testimony was to be received with diffidence. We knew only, in general, that wars had been begun; that great acquisitions were made, and we gave ourselves little trouble to ascertain how far they arose, either out of justice or necessity. The native princes of India had no ambassadors to plead their cause. They saw their country overrun, their wealth destroyed, and then they had only the satisfaction of being told that they had been actuated by lawless ambition. Many members might not, perhaps, be aware that there formerly existed in the government of Bengal a commission of Persian correspondence, through which our relations with the native princes were conducted. In looking, however, to the vast body of papers on the table, he had not been able, after the most diligent inquiry, to find above three or four short documents, containing no intelligence of the slightest importance. This correspondence was now, therefore, either altogether abolished, or had for a considerable time been suspended. Thus were the house and the public without means of judging of the origin of contests in India. Our commissioners might be honest persons, and their representations might be frequently founded in fairness and truth. But we were forced to believe them, without knowing what was the nature of the remonstrances of the native princes, or what sacrifices they had made for the preservation of peace. He desired the house to consider what was the extent of our conquests in India. The hon. member proceeded to read the following list of native princes, who have either been extirpated, or whose states have sunk into ours: Nabob of Bengal, Rajah of Benares, Nabob of Oude, Rohillas; Ferrokabad, Nabob of the Carnatic, Tippoo Sultan, and Mysore, now under an infant rajah. He then stated the following to be the list of those princes who survive under our government, or are suffered to

to remain as feeble tributaries: Rajahs of Tanjore, Tin-nivelli, Travancore; Subadar of the Decan by a subsidiary treaty made in 1798; Gwicowar and Guzzarat, Bundelcund, the mogul, in short the whole peninsula from Delhi to Cape Comorin, except the Mahratta country. But with all this extent of empire, with all that variety of dominion, the thirst of conquest remained unbounded, and the positive law of parliament for the limitation of our territories has been again violated by a war with the Mahratta powers. The pretext for this war struck him as absurd, and indefensible in the highest degree. There was not the slightest ground for supposing that the Mahrattas entertained any views hostile to our power. It was true that they were agitated by intestine feuds, but he defied any member, from the papers on the table, to shew that their proceedings could inspire any one with subject for jealousy or alarm. He knew it was common to represent the native princes in the most odious light, as absolute monsters of depravity; but from the language of those employed under the government of Lord Wellesley, it was easy to see in what light these descriptions should be considered. To secure the tranquillity of our possessions, it was necessary that a treaty with one of the Mahratta chiefs should be concluded, and the peshwa was selected for that purpose. Now what is the character of this prince, with whom it is necessary to stand on good terms, to promote our own security? Colonel Palmer says, "I am to have my last private audience of the peshwa this evening, when I will make a final effort to convince his highness of the lasting security, power, and prosperity, which he will derive from embracing your lordship's proposals; though I apprehend that nothing short of imminent and certain destruction will induce him to make concessions which militate against his deep rooted jealousy and prejudices, and of which he thinks he has already made extraordinary sacrifices." Colonel Close says, "Every day's experience tends to strengthen the impression, that, from the first, your lordship's amicable and liberal views in relation to this state, have not only been discordant with the natural disposition of the peshwa, but totally adverse to that selfish and wicked policy, which, in a certain degree, he seems to have realized. In the midst of personal peril and the lowest debasement, he viewed the admission of permanent support from your lordship with the deepest aversion."—"The dark complexion of the peshwa's disposition and

and character, the disgusting history of his domestic and public conduct, his atrocious machinations, &c.”—“ His faithless and sordid policy, his hatred and jealousy of the British name.”—“ The present peshwa has, ever since the year 1798, acted more like an enemy than a friend of the company’s government.”—“ Yet, after all, he appears to be a young man, of whom a chief of his own family says that he had retired from Poona, owing to the thoughtlessness of youth.”—Thus it is that a native prince is loaded with abuse by the government of India, that he is called on to give up a great proportion of his dominions, and all this for the purpose of securing tranquil possession of his throne. It was not a little singular too, that the peshwa is always represented as a sovereign prince, that he was the head of the Mahrattas, and that the other chiefs were only his servants. This representation was directly contrary to fact. The peshwa was nothing more than the prime minister among the Mahratta confederacy. He was only *primus inter pares*, and had no right to conclude that treaty, against which it was quite clear he entertained a most powerful, and, in his situation, natural aversion. The hon. member directed the attention of the house to the manner in which Scindia was spoken of by the officers in the Indian government. It is in terms such as these that a high spirited prince was vilified and traduced, though it did not appear that he had ever entertained any views hostile to our interests. “ The perfidy and violence of that unprincipled chieftain.”—“ The corrupt and profligate councils of that weak, arrogant, and faithless chief.”—“ His violence, rapacity, and lawless ambition, have been the main causes of the present war with the confederate Mahratta chiefs.”—“ An inexperienced youth, who as yet could form no correct judgment of his own true interests.”—“ Indeed, Scindia appears to be an inexperienced youth, and is, I understand, not at all conversant in business.”—He left the house to make their own comments on such apparent inconsistency. But he desired to call the attention of gentlemen to the species of treaty offered for the acceptance of Scindia, thus so violently denounced as the great foe to the tranquillity of India. The proposal was transmitted to Scindia in 1802, from the seat of government at Bengal. “ 1st, To subsidize a considerable British force to be stationed within his dominions *in perpetuity*: to cede in perpetual sovereignty to the company an extent of territory, the net produce of which

which shall be adequate to the charges of that force : to admit the arbitration of the British government in all disputes and differences between Scindia and his highness the Nizam, and eventually between Scindia and the other powers of Hindostan."—"To obtain for the company the cession of the part of the Duab which is in Scindia's possession, and also that the fortresses of Agra and Delhi should be ceded to the company."—"Whatever proposals you may offer to Scindia, under the foregoing instructions, should be stated to him in the light of a *concession* on the part of the British government, tending to the security of his interests and the stability of his dominions ; not as directed to objects in any degree necessary to the security of the British empire in India."—"Colonel Collins instructed to state to Scindia, the manifest advantages to the stability of his government, and to the prosperity of his affairs, which the proposed connection is calculated to secure."—He was aware that the great argument against the Mahrattas was their harbouring French officers among them, with views evidently hostile to our superiority. It was even asserted that there was an army of fourteen thousand French troops under Captain Perron. Of the existence of such a body of troops there was not a single tittle of evidence before the house. If there was so large a body under his command, it was quite clear they were not French troops. Indeed, after the minutest investigation, he found that there were not in the whole Mahratta army more than twelve French officers. It was, however, further urged, that the French officers would introduce European tactics among the Mahratta troops. This, so far from striking his mind as an evil, was a thing much to be desired, if war was to be kept up with the Mahratta states. It was by abandoning their own irregular mode of fighting that they suffered so severely, and were so effectually repulsed. Had they persevered in the irregular warfare common to their country, they would have exhibited an appearance far more formidable, and displayed a resistance far more dreadful. The history of all ages proved the truth of this assertion. The Parthians often repulsed the disciplined legions of Rome, not indeed in regular combat, but by surrounding them, by cutting off their supplies of provisions, by taking all those advantages peculiar to a barbarous enemy. His view of the fighting of the Mahrattas had been well understood by military men. Mr. Hastings, one whose name he never would mention except when he had an oppor-

opportunity of mentioning it with approbation, was fully of this opinion, and the same gentleman had expressed himself in very strong terms on the policy of limiting our dominions. As to any wish of Scindia to admit French troops into his dominions, he denied its existence. It was notorious that Scindia abhorred the idea of foreign troops in any part of his states. Perron was equally hateful and dreadful to him. It was a fact well known, that the knowledge of this hatred was one great inducement with Perron, to capitulate with the few troops under his command. In no view of the case did he think, then, that the justice or necessity of the war had been established in a satisfactory manner. The reluctance shewn against the proud and insolent terms of our treaty was natural; it would have been astonishing if it had not existed. The hon. gentleman desired members to put the matter to their own feelings. Was it not natural for a high spirited chief to spurn at terms so abject? To be told that the capital of the Mahratta empire was to be in the hands of a British garrison, and to be supported by the native princes, was surely the extremest degradation; it was unquestionably adding injury to insult. He begged leave to put a parallel case, and ask then, what would be gentlemen's ideas of the attempt, if Bonaparte were to propose to the independent emperor of Austria to fill Vienna with a French garrison, and to have this garrison supported out of the emperor's coffers? What would be thought of such a monstrous proposition? Would it not be treated with contempt and indignation? Would the king of Prussia, the elector of Saxony, or any other member of the Germanic body, see it even hinted at with indifference? Should we not expect to see them in arms to resist it, if attempted by force, or should we not equally detest and despise their cowardice, if they allowed it to pass with impunity? Human nature was the same in all countries on some grand subjects of reasoning and feeling. If we should commend European sovereigns resenting insolence and repelling oppression, should we not allow something to the feelings of a Mahratta chief, indignant at seeing the capital of his empire in the hands of a foreign garrison? He called on gentlemen to think and feel, and then, he thought there could be little doubt of the result of their inquiries. He was himself not satisfied that the war against Scindia was just or necessary. He found nothing in the papers on the table to support such an opinion. The hon. member touched on the

the mode in which our wars were conducted in India, allowing them even to be just or necessary. He strongly condemned putting British troops so much in the brunt of every engagement. If a town was to be scaled, if a pass was to be stormed, if any service of difficulty was to be performed, Europeans were always employed. This waste of men who were so invaluable was altogether unaccountable. It should be recollected that Europeans were equally our protection against the hostility of the natives, and the only security against the treachery of our sepoys, whom the Mahratta chiefs might succeed in detaching from their allegiance. This last was a critical and interesting view of the subject, and was a most powerful inducement no longer to persist in extending our empire by useless and insecure conquests. If our army were scattered over an immense tract of country, if they were to stretch to Agra, to Delhi, and to Poonah, it was impossible to say to what disasters they might be exposed. He said, with great emphasis, we first had commerce, commerce produced factories, factories produced garrisons, garrisons produced armies, armies produced conquests, and conquests had brought us into our present situation. He hoped all that reason could allow him from the noble lord lately appointed to the government of India, whatever could be effected by prudence, justice, and moderation, would distinguish his administration. The hon. gentleman, after complimenting the talents of Lord Wellesley, concluded with the following motion: "That this house adheres to the principle established by its unanimous resolution of the 28th of May, 1782, and recognized and adopted by the legislature in two several acts of parliament of the 24th and 33d years of his majesty's reign, namely, "that to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and the policy of this nation."

Upon the question being put from the chair,

Lord Castlereagh rose, and stated his reasons for opposing the motion. The hon. member had undoubtedly taken many opportunities of displaying to the house his knowledge of the financial affairs of India; but, after having for many years remained silent upon the subject of the general policy of our Asiatic affairs, he had now called upon parliament in one night to fix their seal to a declaration that our conduct in India for the last twenty or thirty years had been one uniform system of aggrandisement and of rapine.

His mode of enforcing this idea he conceived to be particularly liable to objection; he had selected various passages from a most voluminous collection of papers, where it was impossible for him to say that the context might not give a very different turn to the interpretation which would be given to these sentences when detached from the other parts of the paper to which each sentence particularly belonged. He had then taken so wide a field, that it was impossible to tell what was the precise object which he had in view. He could not conceive it possible that the hon. member had designed to throw, or if he did, could the hon. member himself suppose that the house would agree with him in stamping, a general mark of odium on our councils for such an extensive period? Much less could he suppose it possible that the hon. member was so ungenerous as to be disposed to cast reflections upon the character of persons who were not present to defend themselves, but who, if present, might be able to exculpate themselves in a manner most fully to the satisfaction of the house. He had endeavoured to follow the hon. member as nearly as possible through the different statements which he had made, and the inferences which he had drawn, and, from what he could collect, it appeared to him to be a main object of the hon. gentleman to enforce a particular construction of an act of parliament. From our present situation he had endeavoured to shew that we had been guilty of a breach of that law, and he had endeavoured to fortify that position by quoting the opinions of others, but which opinions were given in a general way, and not with a view to any particular transaction. The pacific intentions of this government were unquestionably declared at different periods; but then it would be absurd to say that in the event of our being attacked, or of our seeing evident marks of a hostile disposition towards us or our allies, we should declare to the power who attacked us as our enemy, or who was making preparations for that purpose, that "here we are chained to our post, and, even if you are unsuccessful, our legislature has taken care that you shall not lose an inch of territory." He would take the liberty of observing, however, that the hon. gentleman had given too confined an illustration of what were the intentions of the legislature. It had undoubtedly bound down the governor-general in particular cases, but it had never said to him, "You shall form no connexions, you shall guarantee no states, whatever may be the circumstances which shall arise." Parliament had only

only considered the general fitness or expediency of pursuing measures of a pacific nature, without meaning to go the length of tying up the hands of the governor-general in every case which might possibly occur. From the limited nature of the debates of the house, it was impossible for him to follow the hon. gentleman through his various statements; but he recollected that the hon. member had recited the names of several princes in order to give a colour to his charge. The circumstances which were connected with each of these different cases would be more than sufficient for one night's investigation, and, if the hon. member conceived that any one of these persons was dealt unjustly by, he should have taken the sense of parliament on that particular case. The hon. gentleman, however, had taken a more extensive view; he had said that our relation with the natives of India was at first commercial, and that we had afterwards changed it to that of a political nature. He should have had the candour to acknowledge that our political was necessary to the support of our commercial system; he should have considered that the conduct of France was always the goading principle that actuated us to adopt these measures of precaution for our own security; it was that which made us change from a commercial to a political system in India. The hon. gentleman had also forgot to notice the two Mysore wars; he surely would not pretend to say that these were wars of aggression for the sake of conquest only; he would not pretend to say that these wars were unjust or dishonourable in their nature. Did he forget in particular that which was commenced for the purpose of the restoration of a branch of the native Hindoo family to his just inheritance? The hon. member had thought fit, however, to notice the changes which had taken place in the Carnatic and Oude; but it was to be recollected that the alterations which took place in our situation, both in the years 1763 and 1765, were such as were most particularly justifiable, on account of the intimate connexion which these states then had with us, and of the desire which they expressed for our support. As to the situation of the Nizam's government, he thought that that was the last which would have been mentioned as a charge against the company, or the governor general. There were ten thousand of the company's troops who had gone to his assistance, and they had discharged their own expence, and added to his territory. The Mahratta question he considered not to be quite

so clear, but that a rational doubt might be entertained of the policy of the connexion. But it was to be considered, that previous to the treaty of Bassein, there were no French in the Mahratta states; that it was the well-founded opinion of Marquis Wellesley, that if they became more improved in discipline, and were taught to act upon a regular system of war, they would become extremely dangerous; that, however it might be of little consequence if Holkar was superior to Scindia, or if Scindia had the advantage of Holkar, yet if, in their improved state of discipline, any one power was to have the entire command of the Mahratta empire, it would be likely to endanger the farther continuance of our power in the east. In 1798 we had offered a number of British troops for the defence of the Mysore, but French were admitted instead of them. The treaty which was the basis of the triple alliance, and which was discovered after the fall of Tippoo, was sufficient evidence of the connexion which had been formed. And if any thing further were wanting, the particular conduct of the French at the close of the year 1798, when they encountered such vast hazard for the sake of the possession of Egypt, was an additional proof of the objects which they had in view, of the connexions which were formed, and of the danger which was to be apprehended. As to our conduct towards the peshwa, it was well known that he had most earnestly solicited our interference; and, if we had once permitted Frenchmen to be introduced into the councils of the Mahratta states, we might find ourselves involved in a situation from which it would be difficult to extricate ourselves. M. Perron had been spoken of but slightly, and gentlemen might be disposed to undervalue the weight of his influence in India; but he thought it necessary to inform the house that he had a direct revenue of one million seven hundred thousand pounds per annum, and that he had an army of from thirty to forty thousand men. If a person so formidable as he was, and one who was ready to sell his authority to the best advantage to any of the native princes, if such a man was suffered to remain there unmolested, and if the French should have an opportunity hereafter of sending an army of ten thousand Europeans into the Guzerat, it would be impossible to calculate as to what might be the consequences. To avert this threatened danger, Marquis Wellesley had entered into the league with the peshwa, who is the lawful representative of the rajah of Satterah, as being the most likely means of advancing

vancing the interests of the company. He had since that conducted a campaign, in which he had the greatest difficulties to surmount, but which he had brought to that glorious termination which must cause his name to be handed down to posterity as a most enlightened and vigorous statesman. He wished particularly to impress upon the minds of gentlemen who paid attention to our affairs in India, that the state of the Mahratta empire was entirely changed; that Holkar had given strong indications of a hostile mind; that he had intended to establish a peshwa of his own, and to unite with the rajah of Berar; and that he only waited until the termination of the rainy season to commence his military operations. These facts, he was aware, did not appear before the house; he thought it was but fair, however, that they should be admitted for the present; and when they were capable of being proved, he should be very happy in bringing forward every evidence that was necessary to explain the subject. In the mean time, he thought it would be totally unnecessary to repeat a principle which had been so often declared; and, as the hon. member had not pointed out any particular instance which he might think worthy of the consideration of the house, but had entered into the discussion of so many general subjects that it was impossible to come to a conclusion upon the whole in the course of one night's debate, he should think himself justified in moving the other orders of the day.

Upon the Speaker's putting the question,

Earl Temple observed that his hon. friend (Mr. Francis) had put his motion in the most respectful form that the subject would admit of. He differed, however, from him materially in his view of the politics of India. There were words of his which struck him forcibly at the time, and which he had taken down, namely, that we commenced our connexion with India by means of commerce, that commerce produced factories, that factories produced garrisons, that garrisons produced armies, that they produced conquests, which brought us to the state in which we are at present. But it did not consequently follow that all our conquests in that quarter must be unjust. There was another point in his hon. friend's speech, which he must also notice, that was the idea of a knowledge of European tactics being dangerous to the natives of India; he, on the contrary, was of opinion that a small number of Frenchmen scattered over different parts of the continent of India, would be more effectually.

fectually serviceable to the natives by instructing them, and more dangerous to us than a much greater force acting in a body as a military force against us. As to the conduct of his noble friend (who was now most probably on his way home) in concluding the treaty at Poonah, he thought that it must be clear that if any blame can be attached to this transaction, it must attach to the court of directors, who gave him authority so to do. Upon the whole he felt himself bound to support the amendment of the noble lord (Lord Castlereagh).

Dr. Laurence readily concurred in the principles laid down by his hon. friend. The question was of the utmost importance, as it involved the happiness of upwards of thirty-two millions of people. The principle that was the object of the motion was not new, it had been already sanctioned by the legislature, and if at any time it was proper to be sanctioned, there certainly could be no impropriety in again giving it the sanction of parliamentary authority, particularly at a time when a new governor was on the eve of his departure for that country. Could there be any danger from principles that had already been avowed by the house, or should they have a tendency only to fetter the governor, as alleged by the noble lord opposite (Lord Castlereagh), could those fetters be reckoned unconstitutional that had been formerly judged necessary by the house? On the contrary, the proceedings that were instituted against Mr. Hastings, had arisen from an idea that he had departed from those principles which parliament had formerly recommended to the government of India, and which the present motion went only to recognize. The learned gentleman then took a view of the progress of our conquests in India. We had seized on one territory after another, and on such grounds as rendered the principle of conquest illimitable, although at the same time it was hardly attempted to be denied that even from motives of policy we ought to cultivate the arts of peace. Because we bordered on a power, should that power quarrel among themselves, we had hitherto thought this a sufficient reason to justify our interference. But by what right, he wished to know, did we set ourselves up as judges in the family affairs of the native princes? What right had we to determine which was the legitimate or illegitimate successor, in cases where no appeal was made to us? Why should we act in the east, on a principle that would not be justifiable in the west? This might be geographical

graphical morality, but certain he was it was not sound morality. The learned member then painted, in very animated colours, the miseries which those wars in India occasioned to the natives. Desolation and famine were always in their train. Villages and towns, considerable enough to be laid down in the maps of India, were sometimes found without a single inhabitant. Those calamities were at a distance, and therefore were not felt; while, should even a little finger ache of any relative at home, we are ready to melt into tears of sentimental sorrow. The learned member concluded by warmly supporting the motion.

Mr. Charles Grant, painful as it was to him to differ from the noble lord on the floor, could not from a sense of duty avoid declaring, that so far from having been sanctioned by the court of directors, the treaty of Bassein had never been discussed by them. He was unable to view the circumstances which had led to the late conquests in India, but as so many direct infractions of the principle laid down by parliament, and unnecessary in point of policy. The former war with the Mahrattas had created a debt for the company, which has been, perhaps, the foundation of all their other debts. The unlimited diffusion of our dominion in India would be but to lose ourselves. As to the French force in India, he thought the danger from them exaggerated. He thought it desirable to re-assert the principle laid down by the legislature, in order to assure others as well as ourselves that it should not again be departed from. This was certainly no time for us to extend ourselves in India. The looseness of the native governments, and the little subordination existing amongst them, facilitated the purposes of adventurers in procuring followers.

Mr. Hudleston, though he did not mean to enter into a detailed discussion of the question, hoped from his long experience in India affairs to meet the indulgence of the house, in offering his sentiments upon it. The noble marquis, in his dispatch of the 21st of December, stated that the treaty of Bassein had received the approbation of his majesty's ministers, and of the court of directors through the secret committee. The fact was, that that treaty had never been before the court of directors. The court of directors had no more to do with the annexation or separation of provinces in India than any member of the house, though in the eye of the public supposed to have the supreme power. It had been stated on a former occasion, that the brilliant successes

successes of the noble marquis would have been greater, if not for obstructions in a certain quarter. This was hard upon the directors, as it was well known that no orders were sent out but through the council, the president of which was a member of his majesty's cabinet. He confessed he could not comprehend the plans of the noble marquis; they appeared to him to be accompanied with present difficulties, to seem with mischief, to set existence on the cast, to be unwise in policy, to be founded on schemes and projects, wherein failure would be destructive, and even success ruinous; whereby nothing was to be gained but the expence of blood and treasure, and perhaps a permanent hatred inspired into the inhabitants. These were his sentiments, and were not less so last year, when the accounts had been received of the brilliant successes, than at present on receipt of the account of a disaster, which had opened the eyes of many, and would, he feared, open the eyes of many more. The hon. member bore testimony to the exemplary conduct, above all praise, of the noble governor-general, on his first arrival in India, but argued, that from the moment of the conquest of the Mysore, he had conceived the project of reducing all the native chiefs to a subjection to the British government, by obliging them first to receive garrisons into their capitals, then to pay subsidies, and afterwards to change these subsidies into territorial cessions. As to the Mahratta war, he looked upon the Mahrattas as formidable when united, but always engaged in quarrels among themselves. By the conquest of the Mysore, we became their neighbours, and should either have conciliated them by accommodating their quarrels, or suffered them to weaken their aggregate power by destroying each other. The middle course that had been followed; the hon. member reprobated as likely to excite the hatred of all parties. As to the justice of the war, he thought that no man could argue from the papers, that it had arisen from the violence of the Mahrattas, and not from an effort to maintain their independence. His candid opinion was, that a total abrogation of the present system should take place in all its branches, if we wished to preserve India. Affairs there should be managed with wisdom, justice, moderation, and rational economy. Government had given a proof of its disposition on that head by the appointment of a nobleman to govern India, Marquis Cornwallis, who had the rare quality of uniting with absolute power, wisdom and moderation, and whose acceptance

ceptance of the appointment would be a pledge to the Indian world that their rights would be respected. But he thought that to assist that noble lord's efforts, some such declaration as that proposed in the motion should be adopted; he should therefore vote for the original motion.

Sir Theophilus Metcalf differed altogether from the two hon. gentlemen who had spoken last. The treaty of Bassein had been founded on consummate policy, and did great honour to the noble marquis, whose principal object was to prevent the Mahrattas from being united under one head. The hon. baronet proceeded to review the circumstances which led to that treaty, maintaining, by a reference to the papers, that the Marquis of Wellesley had been forced into the war, and would have preserved the peace if it had been possible.

Mr. Chapman contended that it was impossible to have carried the treaty of Bassein into effect without the occurrence of a war. He took the same line of observation with Messrs. Grant and Hudleston, and declared his intention to vote for the original motion.

Mr. Prinsep thought the house indebted to the perseverance of the hon. member in calling their attention to so important a subject, and expressed his approbation of the magnanimous conduct of those official gentlemen, who, disregarding the restraints of office, so candidly and honourably avowed their sentiments. He trusted, as the attention of the house seemed now directed to the subject, they would not give it up, till they had fully investigated the manner in which the affairs of our Indian dependencies had been administered. He could not agree, however, with the hon. mover, that any abrupt change of system ought to be adopted, for that would have the effect of clogging the measures of the noble marquis now going on.

Mr. R. Thornton expressed his approbation of the proposed change in the government of India. In sending out Lord Cornwallis in lieu of Lord Wellesley we were substituting the olive branch for the sword, and this at a time that such a substitution was essentially necessary; for if it was wished to render our power formidable in India against the intrigues or arms of France, he was quite persuaded that could be only done by conciliation. To pursue such a system Lord Cornwallis was peculiarly calculated, and therefore he rejoiced in his appointment. With respect to the merits of the noble marquis whom he was going to succeed, he was not disposed to resist the compliments bestowed upon his character in the

course of the debate. That the noble marquis possessed great talents and energy no one doubted. His complaint, indeed, and that of most men whom he knew was, that the noble marquis was too energetic, too active, too enterprising. The noble lord had pursued the warlike system too far, and had thus created a discontent and disposition to resistance among the native powers, of which the French, or any power hostile to us, could easily avail itself, if it could obtain any footing in India. The conciliatory system was therefore become indispensable for our honour and security; for it could not be denied that for some years back we were become in India what the tyrant of France was in Europe.

The *Chancellor of the Exchequer* deprecated what appeared to him to be the object of the motion. The principle which it professed was unexceptionable, so far as it referred to an objection to wars made with a view to conquest; but if it meant to preclude us from converting the conquests which we might make in the prosecution of just wars into sources of future security, it was weak and absurd. But the main ground of his opposition to the motion was, that it meant to carry a censure upon the conduct of Lord Wellesley, whose claims to the gratitude of this country, whose interests he had so eminently promoted, were of the very highest order. Our contests with the Mahrattas he thought necessary to our safety, because the Mahrattas were the power with whom the French were confessedly anxious to cultivate a connexion in their hostile views against us. The motion he considered an indiscriminate slur upon all our administrations in India for the last twenty years, without the exception of that of the noble lord who was now about to set out for India as governor general, and whose character the hon. mover had so justly complimented; for that noble lord had deviated from the principle avowed in this motion, and that too in the treaty with Tippoo, in which his moderation was so much applauded, even by the gentlemen on the other side.

Mr. Fox vindicated the motion and the objects of the mover. The right hon. gentleman who had just sat down was completely mistaken, in supposing that the meaning of his hon. friend, or of those by whom the motion of 1782 was drawn up, was, that parliament should make a declaration against unjustifiable wars; for that would be just such trash as the French assembly published at the commencement of the revolution, but upon which they did not afterwards act, "that they would not make war for sake of conquest."

No,

No, the meaning of the motion before the house, and of that of 1782, was this, that an extension of territory in India was not the policy of this country; that is, that whatever the grounds of war might be, a farther addition to our territory in that quarter would be a mischief. But the hon. gentleman on the other side seemed to say, that our situation was materially altered since 1782, with respect to India. Where, he would ask, was the material circumstance of change? We were at war with France in 1782; the French were as willing to excite an opposition to us in India, and Tippoo was quite as willing to second such views as the Mahrattas can be supposed at present. Yet under all these circumstances we concluded the resolution of 1782. He called upon the house to come to some decision upon this point. If the extension of territory were desirable, let the motion be negatived at once, and let some course be determined on. But let not such a line of policy be followed as was calculated to keep alive doubt and suspicion, and forbid the possibility of confidence in our views among the native powers. Every pretence seemed to be sought for to declare war in India, and it appeared impossible to calculate when this propensity to war would cease. As soon as we had destroyed Tippoo, it was then stated to be very desirable to form a close connexion with those Mahratta powers which were previously pronounced our friends. This connexion we had soon formed with them, and we gave them something like what the French used to term the "fraternal hug." We embraced the Mahrattas, just as the French embraced Holland. We, in fact, seemed in India to be like Macbeth, "so steeped in blood" that we thought it vain to go back.

Sed revocare gradum hic labor hoc opus est.

After destroying Tippoo, who formed a barrier between us and our friends the Mahrattas, we then proceeded to destroy our friends themselves. But, it is said, that you waged war against the Mahrattas merely from a fear of the French; and a similar plea may be alleged with equal justice, against any state in India, until, in the work of destruction, the English force may make its way to the wall of China, or farther if they could. War was declared against the Mahrattas, because they were the only power remaining in India. So that, in other words, our government appeared to argue, that we could not be safe until all India was our own. His opinion the hon. member declared to be decidedly different. The best way, in his view, to secure our interests and possessions, was

to prohibit their extension. As to the allusion made to the character of Lord Wellesley, he could not admit that the motion was meant to reflect on that noble lord, upon whose conduct he was not now prepared to pronounce any opinion. If the administration of that noble lord was meant to be inquired into, when he should return home would certainly be the proper time to institute such inquiry. An hon. gentleman thought, that the adoption of this motion would operate to fetter Lord Cornwallis; but he believed, on the contrary, that it would serve to fortify the views and intentions of that noble lord. It would shew him that the policy he held was sanctioned by the voice of parliament. He remembered it having been said with respect to his India bill, that the objection was not so much to the measure as to the man; but on this occasion he should say, with respect to the motion and Lord Cornwallis, that this measure was the man. The hon. gentlemen on the other side entertained opinions directly the reverse of those professed by the three respectable directors of the India company, whom the house had heard declare an unqualified adherence to the resolution of 1782. The hon. gentleman had advanced some statements, which shewed that he contemplated schemes of ambition far more wild and mad than the governor of India ever was suspected of. For the hon. gentleman's ideas would go to this, that we should possess ourselves of all India; and, if possessed of that vast empire, he contended that it would be an intolerable drain upon our military resource to preserve it, while its preservation would not be so conducive to our benefit, as India governed upon the principle laid down in the motion would be. But the main pretence rested upon by the advocates for further conquests seemed to be this, that they are necessary for our safety. Now this was precisely the pretence of all conquerors and marauders, in all ages. According to Livy, whenever the Romans made war upon any state, it was only to secure their own safety. Such was the plea advanced, and exactly the same was the ground frequently urged by Lewis XIV. and others entertaining similar views. In the name of common sense and justice, he would ask where such a plea was likely to stop? Where was this resort for safety to end, for, according as it was applied, no man was likely to be at peace, for he could not calculate upon safety while there was another man alive who had strength enough to knock him down. Thus no state could be at peace, until every nation capable of attacking it was destroyed. Such was the tendency of the argument

gement deducible from the abominable principle laid down to excuse our wars in India, respecting the means of securing our safety. The operation of such a plea, struck him to have no end but in unbounded dominion.—The hon. member concluded with expressing a hope that, whether the motion before the house should be acceded to or not, something declaratory of the proposed system with respect to India would be adopted as a guide to our governors in India, as a rule by which our views might be judged of by the natives. If that system should be consonant with moderation and justice, it would be founded on the principle of this motion, and best calculated, he was confident, to promote our interests in India.

Mr. Francis, in reply, insisted on the same motives of conduct as were recommended by *Mr. Fox*; and contended, that they would be most congenial to the feelings, and most consonant to the policy upon which the noble marquis was likely to act, and for the enforcement of which it was likely that he was again induced to undertake the government of our India possessions.

The question being loudly called for, a division took place:

For the amendment	-	-	105
Against it	-	-	46

Majority against the motion - 59

Adjourned at half after one o'clock in the morning till Monday.

HOUSE OF LORDS.

MONDAY, APRIL 8.

Counsel was heard for the respondent in the Scotch appeal, *Blaine v. the Earl of Cassillis*. To be further proceeded on next day.

The bills on the table were forwarded in their respective stages.

MILITIA REDUCTION BILL.

On the question for the third reading of the above bill,

Earl Spencer observed, that he had, on a former day, put a question to a noble lord in private, respecting the officers at present serving in the militia; that question he would now repeat, as he conceived it of great importance to have a public answer. He would ask the noble lord opposite, whether his majesty's ministers intended to reduce the subaltern officers,

or

or whether they are to receive full pay, notwithstanding their corps are reduced. The noble lord observed that the number of officers is very great.

Lord Hawkesbury had no hesitation in answering the noble earl's question. It was, he said, the intention of his majesty's government to continue those officers (holding commissions prior to the reduction) in their full pay.

Earl Spencer was apprehensive that could not be done legally. To be sure some amendments might be introduced in the bill, in the course of the session, which might give those officers the right to receive full pay, which, as the law now stood, they could not be entitled to; at least such was his opinion.

Their lordships then divided on the question for the third reading:

Contents 55.—Non-contents 40.—Majority 15.

The bill was read a third time and passed.

The Irish militia reduction bill was read a second time, and committed for next day.—Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 8.

Mr. Huskisson brought in the property duty bill, which was read a first time, and ordered to be read a second time next day.

The house went into a committee of supply, in which, on the motion of *Mr. Foster*, it was resolved, that a sum not exceeding eight hundred thousand pounds, Irish currency, should be raised on exchequer bills in Ireland.

The house being resumed, the report was ordered to be received next day.

On the motion of *Mr. Foster*, it was ordered that the house should next day resolve into a committee to consider of the expediency of certain grants to the lord lieutenant in Ireland, for the purpose of enabling him to maintain the post-roads in that country in good order.

Mr. Fox postponed his motion grounded on the Irish catholic petition to Friday, the 10th of May.

Mr. Johnson wished to know of an honourable gentleman near him, when he proposed to make his motion on the subject of the nabob of Arcot?

Mr. Sheridan, in reply, intimated his determination to embrace an early opportunity for that purpose.

MOTION

MOTION AGAINST LORD MELVILLE.

Mr. Whitbread rose to make his promised motion, founded on the tenth report of the commissioners of naval inquiry, which he prefaced by a speech in substance as follows :—

When first, sir, I gave notice that I should call the attention of the house to the subject on which I am now to address you, it was my intention to follow the precedents by which the house have been generally guided, and to move that the tenth report of the commissioners of naval inquiry be taken into consideration in a committee. I have, however, since, on mature reflection, seen reason to alter this original resolution, and confining myself to the most important part of that report, to make that the foundation of certain propositions with which I shall have the honour to conclude. With due respect to all the commissioners which have ever sat under the authority and appointment of this house, I must be permitted to say, that none was ever more honourable in its origin, none had ever prosecuted its inquiries with more real advantage to the public interest. It is well known that this commission originated from the late board of admiralty, at the head of which presided that noble lord who had so often signalized his prowess in fighting the battles of his country. That noble lord, however, not satisfied with combating and subduing her enemies abroad, returned home to overturn her domestic foes, by exploding those mines of corruption which rendered all advantages of victory fruitless and unavailing. The commissioners thus constituted have already made a variety of reports, though I am sorry to say that on few have any proceedings hitherto been founded. I certainly do take some degree of merit to myself for having moved for certain papers calculated to elucidate the first report, and was then given to understand that a commission had been appointed to carry into effect such suggestions in the report as appeared likely to be adopted with advantage. What progress has been made by this commission does not hitherto appear, though at a future time I may feel it my duty to bring the matter again under the consideration of the house. But to return to the commissioners of naval inquiry, I think it clearly demonstrated, that if they had greater difficulties to encounter than any former commission suffered; if they have been attacked in a manner contrary to all decency by the whole host of jobbers and depredators, whose villainies it was their object to expose; if they have been described as exercising the office

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of inquisitors rather than of commissioners; if their views have been vilified not only in this house but throughout the public at large; if every possible obstacle has been thrown in the way of their investigations; if every thing, in short, has been done to disgust them, and make them relinquish the great task entrusted to them by this house; and if, overlooking all these considerations, they have thought only of discharging their duty to their country, it will not surely be denied that their merit has been greatly enhanced, that they are entitled to the warmest gratitude of the best interests of this empire. By their firmness and their perseverance they have discovered what eluded the most diligent inquiries of various commissions appointed for the purpose of ascertaining the amount of various abuses in the public expenditure, what all the vigilance of committees of this house could not fully bring to light. The commissioners having thus done their duty to the public, it fell to my lot to bring to justice the criminals whom they have exposed. It is needless for me to insist on the importance of the subject on which I am now addressing you. It is important to the high person, whom the propositions with which I shall conclude principally involve. It is important to the very salvation and existence of our country. It is important to the commissioners who have brought forward this most interesting report. If the house decide, as it appears to me that they are in duty bound, and as it strikes me it is almost impossible for them not to decide, it will prove that no person guilty of so flagrant a violation of an express act of parliament, as that contained in the tenth report, that no individual strongly suspected of conniving at such unwarrantable application of the public money, or receiving any advantage from this misapplication, however high his rank or extensive his influence, shall escape with impunity. The public will look with reverence to our decisions; they will be convinced that a door is opened for the introduction of regularity and economy in our public expenditure, and that if our burdens are extreme, their produce will at least be applied to the purposes for which parliament intended them. If, on the contrary, our decision should be contrary to these just hopes and expectations; if we shall, in defiance of the report on our table, pronounce the noble lord not guilty, then indeed the people will have serious cause for complaint and indignation; then the vulgar assertion may with great apparent plausibility be employed; we may with truth be accused of seeking

ing only emolument as our sole object, in place of the good of our country. No longer can we be considered as statesmen animated by a laudable spirit of ambition—that ambition implanted in our nature to incite us to high deeds. We must then be considered as acting only from the base, sordid motives which degrade the character of the statesman, and render him contemptible in the eyes of his fellow citizens. Feeling these truths severely, I do trust that the house will accede to those propositions which it is my intention to found on the facts which the tenth report has disclosed. This report involves a considerable number of individuals. It is not only Lord Melville and Mr. Trotter, his pay-master, that are involved, but we have Mr. Wilson and Mr. Mark Sprott, who cut no inconsiderable figure in the scene. We have also brought before us the high and respectable company of the bank of England. If I am not also misinformed, the report to a certain degree involves the character of the right hon. gentleman (Mr. Pitt) on the other side of the house. With respect to what is said in the report about the bank of England, I am not satisfied that the conduct of the governors in allowing the money, the public money, to be withdrawn in the way in which it has been, was correct. On the contrary, it has every appearance of being in direct opposition to the express regulations of an act of parliament. The evidence of the officer of the bank, who was examined before the commissioners, does not fully do away this impression. With respect to what I alluded to respecting the right hon. gentleman opposite, I shall explain my meaning in a few words. I have been informed that the right hon. gentleman several years ago, when he last held the same situation which he now enjoys, was informed of the existence of the practice of withdrawing the public money contrary to an express act of parliament, and that no steps whatever were taken to put an end to it. If this statement be correct the right hon. gentleman will permit me to say, that his conduct betrayed very culpable negligence, and a very unjustifiable connivance at a practice which every man who values the proper regulation of the public expenditure must consider as highly dangerous. In bringing forward a charge against Lord Melville, I do not bring a charge against a mere unprotected individual. During the greater part of his life he has enjoyed an ample share of the public rewards, and public honours. For a period of thirty years he has been in the uninterrupted possession of some lucrative office, and he has at the same time exercised a most extensive influence. He

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has,

has, no doubt, many friends attached to him by the consciousness of obligation, and though he is not now present to hear the charge preferred against him, he has many friends in this house who will be happy in the opportunity of undertaking his defence. Thinking, then, that I take no unfair advantage of him, I proceed to that charge which his friends will be fully able to explain to him in another place. In conducting this business, it will be my object strictly to adhere to that moderation which is the most adapted for the investigation of truth, but, at the same time, with that firmness and perseverance which my duty to the public imposes on me. In the case which I have to lay before the house, there are some circumstances of aggravation which will render it necessary for me to occupy a greater portion of your time, than I could otherwise have wished, and to employ terms of greater severity, which, on other occasions, would readily be spared. When I look to the individual who is the principal criminal, against whom my charge will be directed, I see many reasons which increase the magnitude of his offence. At the close of the American war, when we were plunged into the greatest national distress, and when the public began to see that there had been a gross misapplication of our resources, petitions flowed in from all parts of the country, praying for some reform in the expenditure of the public treasure. The right hon. gentleman opposite was then in the dawn of his political life, and in nothing did he seem more desirous of recommending himself to notice and distinction, than by his zeal for the reform of abuses, and his anxiety to have a regulated system of economy established in every part of the public expenditure. Committees were accordingly appointed; and on the reports which they produced regulations were framed for diminishing every sort of unnecessary expenditure, and by removing all those causes which had formerly created these excesses. Of these the most prominent was the regulation for lessening the balances in the hands of public officers. It was at the same time resolved that a number of the fees and gratuities formerly existing in public offices should be withdrawn, and instead of them permanent and adequate salaries should be allowed. It was particularly laid down, as a most important regulation, that the paymaster of the forces and the treasurer of the navy should have a specific salary, and that they should neither directly or indirectly derive any advantage from the use of the public money. Now these resolutions are alive to the recollection and feelings of many gentlemen who are at present members.

members of this house; and sure I am that Lord Melville is the very last man in the world who can at all plead ignorance of their existence. He, indeed, distinguished himself at that period for his professed zeal for the reform of abuses, with what sincerity I leave to the judgment of the house to decide. He surely could not have possibly misunderstood the intention of the legislature, and I am not now to inform him for the first time, that the abuses in the offices of the paymaster of the forces and the treasurer of the navy were the leading features in all the reports of the parliamentary committees of that day. In 1781, a positive resolution passed on the reports of one of those committees, declaring it as their opinion, that neither the paymaster nor the treasurer of the navy should draw any part of the public money till it was positively wanted for the public service. The report further goes on to state the opinion of the committee, that the treasurer of the navy should henceforth act as an accountant, and not as a banker, to the nation. A report was at the same time made of the amount of the treasurer of the navy's salary, which was two thousand pounds, exclusive of profit arising from the use of balances of the public money in his hands. It was on these reports resolved that all these balances should be forthwith paid into the bank of England, and that the salary of the treasurer should be fixed at four thousand pounds, in lieu of all fees, emoluments, or gratuities of whatever description. What was the conduct of Mr. Barré, at that time treasurer of the navy? Even before the resolution had been submitted to the legislature, he spontaneously paid into the bank of England the whole amount of the balances at that period in his possession. In this case the house will see clearly that Mr. Barré was not placed in circumstances at all parallel to those under which Lord Melville has acted. There hitherto existed no positive law to force Mr. Barré to surrender up his balances, but he very wisely bowed to the decision of a committee of the house, and shewed his readiness even to anticipate the future resolution of the legislature. Mr. Barré thus gave the promptest proof of his obedience to the voice of parliament, and it was proved before the commissioners by the only person now surviving to attest the fact, that Mr. Barré never afterwards, directly or indirectly, received the least emolument from the public money beyond the established salary; and the same observation applies to every one of those in his employment [*A cry of hear! hear!*]. Lord Melville succeeded Mr. Barré for a few months, as treasurer of the navy; and whether, during this short period, he

received any advantage from the public money, whether it was placed in the bank of England, locked up in the iron chest, or lodged in the hands of a private banker, I have not at this day the opportunity of deciding. This is at least certain, that Lord Bayning, who succeeded Lord Melville, had no sort of difficulty in answering the commissioners. His answer was manly and honourable. On being asked, whether he enjoyed any separate emolument or advantage from the public money, he unequivocally answers in the negative. After the dissolution of the ministry of that day, we again have Lord Melville treasurer of the navy. On his resuming his old station he discovered that the salary did not exactly amount to the sum which parliament proposed. An act of council accordingly passed on this representation, and the net salary of four thousand pounds a year was established. This sum so established, was expressly declared to be in lieu of all emoluments, fees or advantages. In 1785, in consequence of a recommendation of his majesty in his speech from the throne, an act was passed, containing those regulations on which the future conduct of the civil department of the navy was to be organised. At that time the right hon. gentleman opposite held out to the house the most brilliant picture of the beneficial effects of these plans of improvement. While he spoke of the means by which economy was to be promoted, he did not forget the noble lord against whom my charge is now to be preferred, as the person most fit to carry them into the fullest activity. He must now have seen his mistake, or, at least, the public were long since convinced both of the fallacy of the hopes by which they were flattered, and the peculiar unsuitness of the noble lord to undertake any thing like national reform in any one of its departments. From the conduct which the noble lord has since pursued, one would think that he had been employed in the work of reform only to bring it into contempt; that he was put forth as an instrument of correcting abuses only to render them more inveterate. The bill of 1785 did pass, and the noble lord was the person selected to carry it for the approbation of the other branch of the legislature. Never was the spirit as well as the letter of any act less favourable to wilful misrepresentation; never could any thing afford a more wretched handle for any thing like subterfuge and equivocation. I cannot suffer myself to believe that the friends of the noble lord will attempt to screen his conduct, under pretence that the letter of the law has not been violated. Such an apology would only serve to heighten his criminality;

criminality; and, for the noble lord's own sake, I trust it will not be resorted to. But, sir, let me only call your attention to the preamble of the bill, and the house will see that neither its letter nor spirit can be misunderstood for a single moment. The preamble of the bill recites all the abuses specified in the several reports, alludes to the resolutions for the correction of those abuses, and specifies that a specific salary is to be given in lieu of all fees, emoluments, or advantages. A competent salary was established, that all temptation to make an improper use of the public money might be avoided. Thus then, both according to the spirit and letter of the act, it was impossible for the noble lord, or any other human being, to mistake what was the direct object of the legislature. Now what was the first act of the first part, in the second treasurer'ship of Lord Melville, with this act expressly in his view? The act says, that all money shall be immediately taken from the hands of the treasurer, and lodged in the bank of England. The act passed in July, 1785, and it was not till the subsequent January that the balances were paid into the bank, agreeably to the terms of the act. What possible excuse can be set up for such an extraordinary violation of an act of parliament, in the framing of which the noble lord himself, in all probability, took a material interest? He is the first to violate that law to which so much importance is attached. In what manner too does this violation take place? It appears, that on the 31st January, 1784, the balance in the hands of the treasurer of the navy was upwards of seventy thousand pounds; and in July, 1785, it had increased to upwards of a hundred and thirteen thousand pounds, being an augmentation of more than forty-two thousand pounds betwixt the two periods to which I have alluded. I wish to know then why this delay in the transfer of the balance took place? It is impossible to account for this by any consistent principle. The only way of accounting for the matter satisfactorily, is to suppose that it was withheld with the sole view of private emolument. I know it has been contended that the delay took place in consequence of some regulations in the treasurer's office being incomplete, but will such a pretext as this impose even on the weakest understanding? What difficulty was there in the transfer which the act required? What new regulations were wanting to complete the safe lodgment of the balances of the treasurer of the navy in the bank of England? But it is to such wretched pretexts as this that the noble lord

is reduced when unable to give any other reason for the violation of an act of parliament than that which I have just referred to. Such is the situation in which we find the noble lord at the expiration of the first part of his second treasurership. I shall now go on to the consideration of the sequel of this second treasurership, which forms the grand subject of the tenth report. In doing this I shall arrange my observations under three distinct charges. In the first place, then, I charge Lord Melville with having applied the money of the public to other uses than those of the naval department with which he was connected; in express contempt of an act of parliament, and in gross violation of his duty. I charge the noble lord, in the second place, with conniving at a system of peculation in an individual, for whose conduct in the use of the public money he was deeply responsible, and for this connivance I denounce him as guilty of a high crime and misdemeanour. To these two charges I shall, on the present occasion, chiefly confine myself; but there is still a third, on which I shall not insist very largely now, but which, if the inquiry is instituted, I shall feel myself most powerfully called on to support in this house. I mean here to allude to the strong suspicion that the noble lord himself was a participator in that system of peculation to which I have referred, and is consequently liable to very severe pains and penalties. Unless what has been said could be unsaid, unless what has appeared before the commissioners could be obliterated, it appears to me almost impossible to get rid of this impression. I have said that I will pursue this inquiry with moderation on my own part, but I repeat that I will follow it up with steadiness and firmness for the country. It is certainly to the honour of our public men, that even in times when party spirit was at its height, when the political world was the most violently agitated and convulsed, charges such as that which I now bring forward against the noble lord have seldom been preferred. It is a singular circumstance, however, that the only instance of a similar charge for a great number of years was brought against a great public criminal by the same noble lord whose accuser I now appear—I allude to the case of Sir T. Rumbold for malversations in India; but it is not my wish to carry matters to such an extremity against the noble lord, though my duty impels me to bring him before the proper tribunal. In making out my charge against the noble lord I must call your attention to what is stated in the report,
for

for it is material to see what is the nature of the evidence produced. First of all, then, the commissioners found that there had been for a number of years deficiencies in the treasurer's department, to the amount of upwards of six hundred and seventy-four thousand pounds a year. I am not now wishing to rest much on the correctness of the particular sum. Whether it be ten pence, ten pounds, or even a million, the principle is the same whatever be the magnitude of the deficiency. That a deficiency did exist is not denied, for even Lord Melville himself owns its existence. In this situation the commissioners evinced a very laudable desire to ascertain how the deficiencies had originated, and for this purpose it was necessary that Lord Melville and Mr. Trotter should be summoned before them. As in this state of the business I shall have frequent occasion to allude to Trotter, it may be proper to say a few words in explanation. When I speak of Trotter I speak at the same time of Lord Melville, for in the whole of this business they are completely identified. The action of the one I view as the action of the other. This, indeed, is the exact view taken by the committees which reported on the situation of the treasurer and paymaster of the navy. They considered the office of treasurer as a mere sinecure, the whole of his business being done by a deputy, and in this relation precisely does Mr. Trotter stand to Lord Melville. The one transacts the business, and the other incurs all the responsibility. The treasurer of the navy, as in Lord Melville's case, was often a privy and even a cabinet counsellor, and it is very fit that he should be relieved from the cares of office. But if he is to enjoy emolument without labour, it surely is not asking too much to have a little responsibility attached to the distribution of the public money. So much then as to the identity of Mr. Trotter and Lord Melville in this business. So zealous did Lord Melville appear for the proper administration of the civil department of the navy, that, not satisfied with the bill of 1785, he actually proposed and obtained an act of council for authorizing, in the management of the pecuniary concerns of the navy, a variety of fresh regulations. [Here the honourable member read a few passages from the act.]—Thus, continued he, were all the regulations that the noble lord proposed for the economical government of the navy conceded to him, and he had nothing left to impede his favourite plans of improvement; and he is the man to authorize his own paymaster to hold in contempt the peremptory orders of the legislature. He heaps up regulations,
and

and he takes not the least care that they shall be in one shape or other observed. On the contrary, these deficiencies are evidence how grossly the intentions of the legislature have been evaded.—Before I consider what Mr. Trotter's answer was, let me remark, that the general complexion of the evidence before the commissioners was of a very extraordinary description. I had almost said, all the witnesses gave a reluctant and disgraceful testimony. I was rather unguarded in my expression, for I own that several respectable gentlemen gave their testimony with a candour that did honour to their character and feelings. The others gave a testimony extorted from them, or sheltered their guilt under mysterious silence.—Much as I approve of and admire the proceedings of the commissioners, I do wish that they had forced some of these gentlemen to favour us with a little more of their reluctant information. I think they might have done this in perfect consistency with the powers with which they were invested. What is stated in this reluctant testimony has, however, this advantage, that it possesses the strongest character of credibility. It has been strangely asserted by some persons that the report of the commissioners is altogether *ex parte*, and ought not to be the foundation of any decision. I really am at a loss to conceive how any man can make such a strange assertion. I ask, had not Lord Melville and Mr. Trotter a fair opportunity of vindicating their character before the commissioners, if they were conscious of innocence? When Lord Melville was asked a plain question as to his appropriation of any part of the public money, what had he to do? Why, he had only to declare on his oath and his honour—No. What had Mr. Trotter to do? He had only to give the same answer of—No. But how do they think fit to proceed? instead of following the plain path of integrity and honour, they profess total ignorance of deficiencies in the public money to a vast amount. The paymaster is called before the commissioners, and he professes to know nothing at all of the matter. By and by he, however, turns the matter a little seriously in his mind, and he does begin to recollect that he does know something of the business. He confesses that he had been, from 1786 down to the period when he was examined, in the habit of drawing out the public money, and placing it in the hands of his own banker. The commissioners inquire a little further into the matter, but he will give them no satisfaction. “You have no right to ask me these questions, that is my private money.” Nay, he even arraigns the commissioners,

sioners, and in a paper which, from mere indulgence, they allowed him to present, he pretty clearly insinuates that they were a parcel of gentlemen making themselves a great deal too free with other people's secrets. Five different times is Mr. Alexander Trotter examined, and he refuses to give the commissioners the information they require. He talks, indeed, of sums advanced for other departments of the government, and alludes to Mr. Long having repaid to him some of the sums so advanced. I am sorry that Mr. Long was not examined before the commissioners. I think his statements might have thrown a good deal of light on this subject. Though, however, Mr. Long was not examined before the commissioners, the fact of the advances is admitted by Lord Melville in his first letter to the commissioners. Indeed this letter was altogether of an extraordinary complexion. It was, however, of a piece with his lordship's evidence, and with his last letter, on both of which I shall, before I sit down, make a few observations. His lordship tells the commissioners that he cannot give them the information they required, because he cannot disclose confidential communications of government; but his great argument is, that he is not in possession of the papers containing the advances to other departments, having, for mere amusement no doubt, committed them to the flames. I do maintain, that this avowal of the noble lord is highly culpable. The destruction of these papers was, in a person of his knowledge of business, a great crime and misdemeanor. He ought to have known that papers of such a description are the property of no individual; they are the property of the nation. I recollect several committees complaining of the destruction of papers, and stating that, in consequence of such destruction, their inquiries were either retarded or altogether destroyed. To destroy public papers, referring to a recent date; does, in my mind, imply something suspicious. I cannot easily trace it to any other principle than a wish to prevent criminal proceedings from being unravelled, and accompanied with merited punishment. But it seems that the noble lord has not only destroyed his papers, he has also actually lost his recollection of the whole affair, though it had so recently occurred. This does, I confess, seem a little strange, that a person of his lordship's great talents should labour under such a wonderful decay of memory. Of this, however, I shall say something more before I finish my observations. On the subject of these advances to the other departments, I condemn the practice in the strongest terms. I would in

no case permit it to exist, but I could never for a moment suffer it to exist without explanation, and that too of the most satisfactory nature. Here, however, I hear the noble lord allowing that such advances were made, but he will give me no satisfaction as to the extent of the advances or the manner in which they were applied. In spite of the noble lord's silence, we know that the navy service was not in a situation to allow great advances of money, and what an apology would it offer if a demand on the navy board could not be paid, because, forsooth, Lord Melville, and Alexander Trotter his paymaster, had agreed to accommodate the other branches of the service with loans of the public money? It may be said that the advances were to the secretary of state for important purposes. I shall not easily be brought to sanction these accommodations betwixt different servants of the crown. But Lord Melville was minister at war, president of the board of control, and treasurer of the navy, all united in his own person, and here is a transaction, not betwixt two individuals, but one individual, uniting three different characters. It is Mr. Dundas lending Mr. Dundas with the one hand, and borrowing of Mr. Dundas with the other. It was a ridiculous, as well as dangerous, combination. I know that some gentlemen on the other side will find all this system of accommodation very excusable. The public service is expedited, and no loss is sustained. I confess I cannot assent to such doctrines. I know that they were often urged by the right honourable gentleman opposite last war, and I have not forgotten all the fine things he told the house about the appropriation paper, and the manner in which each sum was satisfactorily accounted for to the public. I was never satisfied with such a loose way of dealing with the public money, and I always thought that the solid reasoning of my honourable friend near me (Mr. Fox) shewed completely how hollow and dangerous they were in practice. But even allowing the right honourable gentleman's arguments all their weight, they did not at all go to prove that such advances were either legal or expedient. Legal no man dares to call them, and certainly there is a great difference betwixt the treasurer of the navy and the finance minister of the country.—My second charge against Lord Melville is, that he connived at the appropriation of the public money to private purposes. Mr. Trotter does not deny that he had large sums in the hands of Mr. Coutts, his private banker; and he has the affrontery to tell the commissioners, that it is more convenient for him to have his cash in the hands

hands of a private banker than in the bank England, where an express act of parliament has declared that it shall be placed. This very ingenious gentleman thinks proper to add, that he finds himself more secure when his money is in the hands of Mr. Coutts than when it is in the bank of England. Not only does he affirm, but he calls his patron, Lord Melville, to confirm his testimony;—Lord Melville, who had promoted the passing of the act of 1785, which expressly says the money shall be lodged in the bank—Lord Melville, who, not satisfied with the act of 1785, gets new regulations, still more strict, in 1786. He likewise tells the commissioners, that Mr. Trotter's mode is also the most convenient for the public service. Sir, I am really astonished to hear of the inconveniences of having the money at the bank instead of a private banker's! Is not the discount at the bank easier than at a private banker's establishment? Cannot bank notes be more easily procured? But if the present mode, of which Mr. Trotter appears so fond, be so very advantageous, how comes it that Lord Melville never came to parliament to get it formally recognized? Mr. Trotter, indeed, finds a very ingenious reason for placing his money in the hands of a private banker. He says, that he was so anxious for the security of the money that he placed it in Mr. Coutts's, as the best place of safety. If any thing comes of the money I am an undone man, and my mind will never be at ease till Mr. Coutts has taken it into his protection. Now, it was not, though very improbable, altogether impossible that a house, respectable as Mr. Coutts's was, might fail, and what then becomes of the careful Mr. Trotter's security? Why, sir, it is completely crushed and annihilated. But if he was so very careful as he pretends to be, why did he not place it in the bank, where, even if a failure were to take place, still Mr. Trotter would be secure in his obedience to an act of parliament? I wish to ask the house for what purposes these perpetual draughts of money, this constant fluctuation of accounts in the name of Mr. Trotter, took place? At the time that Mr. Trotter is so anxious for the security of his money, was it lodged at Mr. Coutts's, allowing that to be a place of safety? No, it was employed in discounting bills, in forming speculations, in gambling on the stock exchange. I am really almost appalled, and I think that the house will likewise be appalled, at the reflection of no less than thirty four millions of the public property having passed through Lord Melville's paymaster's hands. Why, sir, the report states explicitly that upwards of eight millions had been in the hands

of the private banker, and nearly seven millions more is alluded to as having passed through the same channel. But what we have hitherto had disclosed is, perhaps, not one-fourth of the money transactions of Lord Melville's paymaster, and much of the money in his hands when he was absolutely destitute of funds to make good the loss of one thousandth part of the public property in his hands. But while all these transactions were going forward, on what was Lord Melville employed? Does he know any thing at all of the state of Mr. Trotter's accounts, for every one of whose actions he alone is responsible? Has he carefully examined the use which Mr. Trotter has made of the public money, and is he satisfied with the result? The truth is, if you are to believe Lord Melville himself, he knows nothing of the matter. What, then, is the state of Mr. Trotter's accounts? He himself pleads ignorance, and cannot satisfy the commissioners. What was the cause of all this affected ignorance may hereafter appear.—One would have thought that a person of Mr. Trotter's perplexed turn of mind would have been anxious to do business in as simple a manner as possible, and in order to separate the public from his own private money, nothing would have been more easy than the simple device of having a public and a private account. This however, did not exactly suit Mr. Trotter's purpose. He preferred having a chest in which he was to receive money promiscuously. One man comes with five guineas, another with ten guineas, and a third with twenty, and so with different sums, and they are all thrown promiscuously into the chest. They return in a short time for their money, and Mr. Trotter, very complaisantly, says, "Tis true, gentlemen, I did receive your money, but I threw it promiscuously into the chest, and it is altogether impossible for me to separate the different sums." Exactly similar to this is the conduct of Mr. Trotter in transacting his money concerns. He opens no less than five accounts. We have his own account—his separate account—his account as paymaster of the navy—his broker's account—and Jellicoe's account. He opens all these accounts, and when the commissioners ask him for what they were intended, he has the assurance to tell them that they had no right to interfere with his private affairs, and very flatly disclaims their powers.—He draws under these heads immense sums of the public money—as for example, a million of money in one day. On all the accounts there might be expected to be a number of curious and interesting items. The commissioners demand explanation,

tion, and again Mr. Alexander Trotter refuses to answer, and tells them to draw their own inference. The commissioners, baffled in getting information from Trotter, take up the business themselves, and here a curious scene is disclosed. Mr. Trotter, it is found, is busily engaged in buying all sorts of stock, and particularly active in purchasing navy bills, when they were at a price which rendered it almost certain that they might be afterwards disposed of to advantage. But while Mr. Trotter is so busy what has become of Lord Melville and his responsibility? Does he ever interfere to prevent these speculations? Does it never occur to him that it is extremely indecent for a paymaster of the navy thus to be sporting with the public money? I do think that it was the sacred duty of Lord Melville to have told Mr. Trotter that he must either give up these connexions, or cease to be paymaster of the navy. If it had happened that in some of his extensive speculations he had been disappointed, inevitable ruin must have been the consequence. Had Mr. Trotter fell, it was not to him but to Lord Melville that the public were to look for redress. Lord Melville was involved in the fall of his paymaster, and all the consolation the public had, was to know that they were again to make good what the servants of the public had peculated. I cannot allow myself then to think that the house will be backward in agreeing with me that the negligent criminality of Lord Melville was deserving of the severest reprehension. Let me, sir, recal to your attention what was the period when these speculations were going forward. It was in the very midst of our distresses; it was while the people were struggling up against that load of public burdens under which we groaned, that Mr. Trotter, with the assistance of that silent and discreet stock-broker Mark Sprott, were laying their heads together to lay out the public money to the greatest advantage. What was the whole amount of the sums so employed we have not the means of ascertaining. But this is of no consequence; for, as I have already observed, it is not the extent of the sum misapplied, but the general principle of misapplication that I contend for. I assert that Mark Sprott ought to have been more severely interrogated. There is no doubt that he is the man to give the clue to this nefarious business. Even his silence, however, was extremely expressive. It is not easy to conceive any thing more strange than the reasons he urged for his silence. He tells the commissioners openly, "I have had the opinion of Mr. Serjeant Shepherd and other eminent lawyers, and they advise me to preserve a religious silence."

silence." Only be silent, say nothing, and we may be able to do something for you; but if you give answers, we much fear, it is all over with you. Lord Melville and Mr. Mark Sprott are not quite uniform on this part of the business. Mr. Mark Sprott says nothing, but Lord Melville owns he knew of the transaction, but not of the detail. Sir, I say, if he knew of the transactions generally, and not of the detail, this, so far from rendering him less criminal, renders him still more guilty. If he was apprised that his paymaster was speculating in the funds, and if he derived no part of the profit, he was bound to see what was the extent of such speculations. He ought to have felt that his responsibility was in danger, and that it was full time for him to put a stop to so serious an evil. After illustrating this idea by reference to Mr. Trotter's salary as inadequate to any extensive speculations, the hon. gentleman proceeded to animadvert on the origin of Mr. Trotter's connexion with Lord Melville. Lord Melville had found Mr. Trotter clerk of the navy office. He made him his paymaster, and in a short time Lord Melville contrives to make him his agent. In this situation of an agent, Lord Melville has pecuniary concerns with Trotter to a vast amount, and when his lordship is examined he is unable to inform the commissioners whether the advances made by Mr. Trotter were from his own or from the public money. The honourable member animadverted strongly on this declaration, which was on the part of Lord Melville extremely suspicious. How was it possible that Lord Melville could for a moment suppose Mr. Trotter to be making advances out of his own fortune? The fact was, that Mr. Trotter had originally no fortune. He was a man of a good family in the part of the country to which he belonged; but Lord Melville knew when he first began to patronize him that he had no property but what he derived from his salary as paymaster of the navy. It was absolute equivocation then to pretend that Lord Melville could be ignorant of Mr. Trotter making use of the public money to a vast amount. He condemned, as extremely suspicious, Mr. Trotter's acting as Lord Melville's agent. When Mr. Trotter, the paymaster and agent of Lord Melville, was known to have extensive dealings with Mark Sprott a stock-broker, was not the inference the most natural that their dealings were mutual? Would not people have a right to presume that Lord Melville shared in the profits of those speculations, to which there seemed every reason to think that he was accessory?—But, indeed,

deed, it was not easy to see how this conclusion could be evaded. Was Lord Melville ready on oath to disclaim such a connexion, or that he had ever derived the slightest advantage from any speculation in which Mr. Trotter was engaged? What was the language of all the predecessors and successors of Lord Melville? When the paymaster of Mr. Barré was asked, whether he had received any emolument from the application of the public money? he readily answers—No. Had Lord Bayning received any advantage? Had Lord Harrowby?—No. Had Mr. Bragge? Had Mr. Tierney?—No. Lord Melville is compelled to give evasive answers. He shelters himself behind the confidential communications of government. He can afford no information for his papers were destroyed. He has no recollection of what took place only a few years ago. The noble lord was remarkable for his retentive memory. He could reckon up, with accuracy unexampled, all our losses or our victories during the late contest. The right hon. gentleman opposite had not unfrequently derived the benefit of the noble lord's memory, when recollection was not of the most trifling moment. Yet here the noble lord's recollection totally forsook him, and certainly such an instance of weak recollection was not a little remarkable. Surely it was no great effort of memory to recollect whether profit had ever been received from the use of the public money, and a simple monosyllable was sufficient to state that recollection. Unfortunately this monosyllable was absent, at a moment when it was most wanted. Mr. Trotter's answers, too, respecting Lord Melville, were of the most damning description. Did you receive any emolument from the use of the public money?—I won't tell you. Did you know of the amount of the sums advanced for the confidential service of government?—I won't tell you. Did Lord Melville authorize you to use the public money for private emolument?—I won't tell you. Did Lord Melville share with you in any profit arising from such a use of the public money?—I won't tell you. Here the hon. gentleman read and commented on Lord Melville's evidence, and adverted to the case of Jellicoe, who had been suffered to remain a public debtor for a whole year, after he was known to be in arrears upwards of twenty-four thousand pounds. During the next year eleven thousand pounds more arrears had accrued. He had a strong suspicion that Jellicoe was in the same partnership with Mark Sprott, Mr. Alexander Trotter, and his lordship. It would not have been fair to have turned too short on an old companion.

nion. It would have perhaps too been dangerous, since unpleasant discoveries might have met the public eye. It looked very much as if, mutually conscious of criminality, they had agreed to be silent and keep their own secrets. Mr. Whitbread next commented on the last letter of Lord Melville, which rather aggravated than palliated his guilt. His lordship even admitted the violation of the act of parliament. He allowed that Mr. Trotter employed the public money for private emolument, but he denied his generally participating in the profit of such application. This denial was nothing. It was not that fair open denial which was the only test of innocence. The hon. gentleman then apologised for having exhausted the patience of the house in going through the statements which he had deemed it necessary to submit, to make the subject so intelligible as he could wish. If in the course of his investigation he had departed from that moderation which he had professed at his outset, and which it had unquestionably been his object to preserve, he should feel extremely sorry. He was happy, however, in supposing, unpleasant as his task had been, that he must have a majority of the members of that house to support him in the resolutions which he had that night to propose. A wound had been inflicted on the very existence of the country, which it was the duty of every member of the house to see checked and punished. When he turned his eyes to the country gentlemen, those guardians of the public purse, he could not doubt of receiving their cordial support, in opposition to a principle of peculation which had been successfully practised on the public of Great Britain for many years, and that, too, by persons entrusted with the official conduct of its resources. If he looked to the officers of the army or navy, who composed part of the house, he knew that there was not one of them who would vote in support of a system of corruption, such as had been practised by the persons against whom his inquiry was directed. He was convinced that their minds were not tainted with such sordid and corrupt notions as to induce them to support public peculators. If he turned to the commercial men, he was satisfied that they were not filled with horror and disgust alone, but even with trembling, at the conduct which he had now endeavoured to point out, by which it was possible that ruin might have been hurled on them. Even as it was, had not the speculations of Mr. Trotter injured many of them? And might they not have injured not only the mercantile interests of the country, but also have been productive of great loss to the

the public in general? Would it have been a vindication of Aslett, supposing his speculations had been more fortunate than they ultimately turned out, to have come forward and said, "There is your money back again—you are not injured—you have no right to complain—I only took an accommodation from you, by which you have lost nothing, and you have no right to pass any punishment on me for so trivial and innocent an offence?" Such, surely, would, to gentlemen acquainted with mercantile affairs, be an excuse provoking only indignation and resentment. Or would it be esteemed a better argument to allege that the books and other documents from which it might have been possible, to have cast some light on the accounts, had been burnt or intentionally destroyed? An allegation of this kind must with them meet with equal respect and attention. Every day of their lives, they were called on to prosecute for offences of less magnitude. Would the right hon. and learned gentleman, who presided in a court of equity; would another right hon. and learned gentleman, whose duty it more particularly was to prosecute for delinquencies, and who did think it so incumbent on him to check even the appearance of corruption, as to prosecute a person in an inferior rank of life for an attempt to bribe a right hon. gentleman, then at the head of administration (now Lord Sidmouth);—would they attempt to palliate a business of this kind, or would they not rather feel it their duty to join with him, and assist in bringing delinquents of a higher order also to justice? He begged gentlemen to keep in view the distressed state of the country in general. The opulent were obliged to part with their superfluities; and, from the nobleman to the peasant, every one was obliged to make corresponding sacrifices. We were told, indeed, that such were necessary for our salvation; but, in a case like the present, it was the duty of that house and of the public to be satisfied that our resources, so painfully raised, were not thrown away by improper management. The hon. member then moved,

"1. That it appears to this committee, that on the 18th of June 1782, the house of commons in a committee of the whole house came, amongst others, to the following resolutions:

"That it is the opinion of this committee, that some regulations ought to be adopted for the purpose of lessening and keeping down the balances of public money which appear to have usually been in the hands of the treasurer of the navy:

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“and it would be beneficial to the public if the first and other clerks in the different branches belonging to the said office were paid by fixed and permanent salaries in lieu of all fees, gratuities, and other perquisites whatsoever.”

“That it is the opinion of this committee, that from henceforward the paymaster general of his majesty's land forces, and the treasurer of the navy, for the time being, shall not apply any sum or sums of money intrusted to them, or either of them, to any purpose of advantage or interest to themselves, either directly or indirectly.”

“That it appears to this committee, that the commissioners appointed to examine, take and state the public accounts of the kingdom, have, so far as it appears from the reports which they have hitherto made, discharged the duty entrusted to them with great diligence, accuracy and ability; and if parliament shall carry into execution those plans of reform and regulation which are suggested by the matter contained in the reports of the said commissioners, it cannot but be attended with the most beneficial consequences to the future welfare and prosperity of this kingdom.”

“2. That in furtherance of the intention of the house of commons expressed in such resolutions, his majesty, by his warrant dated June 26th, 1782, directed that the salary of the treasurer of the navy should be increased to the sum of 4000l. per annum, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former treasurers.

“3. That it appears to this committee, that during the treasurership of the right hon. Isaac Barré, the conditions of the aforesaid warrant were strictly complied with; that the whole of the money issued from the exchequer to Mr. Barré for naval services was lodged in the bank: that it was never drawn from thence previously to its being advanced to the sub-accountants, to be applied to the public service: that during the time Mr. Barré acted as treasurer and ex-treasurer, he had not in his possession or custody any of the public money, and that neither he nor the paymaster of the navy did derive any profit or advantage from the use or employment thereof.

“4. That the right hon. Henry Dundas, now Lord Viscount Melville, succeeded to the office of treasurer of the navy on the 19th of August 1782, when a further addition was made to the salary of the said office, in order to produce a net annual

nual income of 4000l. after the payment of all taxes and charges on the same; and that this additional salary was considered by the said Lord Viscount Melville as granted to him in lieu of all wages, fees, profits and other emoluments enjoyed by former treasurers.

" 5. That the said Lord Viscount Melville continued in the said office till the 10th of April 1783; that being asked whether he derived any advantage from the use of the public money during that period, he, in his examination before the commissioners of naval inquiry, declined answering any question on that head; but that he has since in a letter written to the said commissioners, and dated the 28th of March last, declared that previous to 1786, 'he did not derive any advantage from the use or employment of any money issued for the service of the navy;' but Mr. Douglas, who was paymaster, being dead, and his lordship having refused to answer any questions on this head as aforesaid, no evidence has been obtained as to the application of the monies issued for the service of the navy, or the mode of drawing the same from the bank during this period.

" 6. That the hon. C. Townshend, now Lord Bayning, held the office of treasurer of the navy, from the 11th April 1783, to the 4th Jan. 1784, and that from the examination of his lordship it appears that during his treasurership no part of the money issued for the service of the navy was applied to his private use or advantage, and that he does not believe that Mr. Douglas, who acted under him as paymaster, derived any profit or advantage from the use or employment of the public money, ~~except the money issued for the payment of exchequer fees.~~

" 7. That the right hon. Henry Dundas was re-appointed treasurer of the navy on the 5th of January 1784, and continued in the said office until the 1st of June 1800.

" 8. That in the year 1785 an act of parliament was passed 25 George III. chap. 31, intituled 'An act for better regulating the office of the treasurer of his majesty's navy;' whereby it is directed, that no money shall be issued from the treasury to the treasurers of the navy; but that all monies issued for naval services shall be paid to the bank on account of naval services, and placed to the account of the treasurer of the navy, and shall not be paid out of the bank unless for naval services, and in pursuance of draughts signed by the treasurer, or some person or persons authorized by him; which draughts shall specify the heads of service to which such sums are to be applied,

and that the regulations under the said act shall take place from the 31st July 1785.

"9. That the execution of the said act was postponed till the month of January 1784, and that, from that time till the month of June 1800, when Lord Melville left the office of treasurer, contrary to the practice established in the treasurer-ship of the right hon. Isaac Barré, contrary to the resolutions of the house of commons of the 18th of June 1782, and in defiance of the provisions of the abovementioned act of the 25th Geo. III. chap. 31. large sums of money were, under pretence of naval services, and by a scandalous evasion of the act, at various times drawn from the bank and invested in exchequer and navy bills, lent upon the security of stock, employed in discounting private bills, in purchasing bank and East India stock, and used in various ways for the purposes of private emolument.

"10. That Alexander Trotter, esq. the paymaster of the navy, was the person by whom, or in whose name the public money was thus employed, and that in so doing he acted with the knowledge and consent of Lord Viscount Melville, to whom he was at the same time private agent, and for whose use or benefit he occasionally laid out from 10 to 20,000*l.* without considering whether he was previously in advance to his lordship, and whether such advances were made from his public or private balances.

"11. That the right hon. Lord Viscount Melville having been privy to, and connived at the withdrawing from the bank of England, for purposes of private interest or emolument, sums issued to him as treasurer of the navy, and placed to his account in the bank, according to the provisions of the 25th of Geo. III. chap. 31, has been guilty of a gross violation of the law, and a high breach of duty.

"12. That it further appears, that subsequent to the appointment of Lord Melville, as treasurer of the navy, in 1784, and during the time he held that office, large sums of money issued for the service of the navy were applied to other services; and that the said Lord Melville, in a letter, written in answer to a precept issued by the commissioners of naval inquiry, requiring an account of money received by him, or any person on his account, or by his order, from the paymaster of the navy, and also of the time when and the persons by whom the same were returned to the bank, or paymaster, has declared that he has no materials by which he could make up such an account, and that if he had materials, he could not do

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it without disclosing delicate and confidential transactions of government, which his duty to the public must have restrained him from revealing.

"13. That Lord Melville in applying monies issued for the service of the navy to other services, stated to have been of so delicate and confidential a nature that, in his opinion, no account can or ought to be given of them, has acted in a manner inconsistent with his duty, and incompatible with those securities which the legislature has provided for the proper application of the public money."

The Chancellor of the Exchequer—Sir, the hon. gentleman began his speech with professing an intention to submit the subject now under consideration to the house, without indulging in violent or inflammatory topics; and I am willing to allow that in the former part of it he adhered to his resolution; but I am sorry that in the conclusion it seems to have been altogether forgotten: 'In that part of his discourse, instead of addressing you with that calmness and moderation which best become a criminal accusation, he appealed to the passions of his audience, and endeavoured to make an impression by the introduction of matter that could tend only to abuse the feelings and mislead the judgment. He artfully drew a picture of the burdens under which the people of this country laboured, and connected with them the supposition that these burdens might have been increased by the practices on which he has expatiated. Now, sir, in order to be entitled to employ such arguments, it is necessary to prove that such an aggravation of the alleged misconduct has actually existed. If it shall appear that any irregularities or malversations have taken place, I admit that they are proper subjects of parliamentary discussion; but I must reprobate any attempt to mislead the house or the public, by clamours about losses which have never been incurred, inconveniences which have never been felt, and an increase of public burden which has never been experienced. In point of fact, there is no allegation in the report, or even in the speech of the hon. gentleman, that any losses to the public have been sustained; there is no allegation that any defalcation, any mischief, any evil whatever, has accrued to the nation by the transactions now in question. [At these words there was an uncommon cry of *hear! hear!* which lasted some time.] To what am I to impute this vociferation? I hope it is not intended to suppress, by clamours like these, that freedom of speech that should prevail in this house, particularly on so solemn an occasion as this, though I cannot

I cannot but consider it a bad omen of fair and impartial examination, that I am interrupted in this manner; I cannot, however, suffer myself to be interrupted. To inflame the passions of men who are called on to pronounce upon guilt or innocence, according to the results of investigation, is inconsistent with every principle of justice; and I cannot help observing that the hon. gentleman has endeavoured to give a certain degree of countenance to a species of misrepresentation of the most dangerous nature, which has been with uncommon assiduity circulated out of doors. I allude to the insinuations that the seamen of the navy, by the circumstances on which the hon. gentleman has commented, have been prevented from obtaining the due rewards of their toils and dangers. Such representations are destitute of all foundation, and I have no doubt that the brave and meritorious class of men, to whom they are directed, will reject them with indignation and disdain. I must complain too, that the hon. gentleman has attempted to give a view of the case altogether erroneous, when he calls upon the house to pass sentence, as upon persons already tried and convicted. He has told us that Lord Melville, and every other person implicated in the transactions detailed in the tenth report, had an opportunity of being fairly tried, and that questions were put to them by which they might have proved their innocence. Now, I must confidently maintain that whatever inferences gentlemen may think themselves justified in drawing from the statements in the tenth report, it can be called any thing but a trial. What, in all judicial proceedings, particularly according to the constitution of this country, so much the object of panegyric, constitutes the essence of fair trial, but that the party should know the charge made against him; that he should hear, and be allowed to cross-examine the evidence; that he should be allowed to state his defence, and support it by evidence, and overthrow the accusation by new evidence and further explanation; and, above all, that he should never be compelled to criminate himself? In this case, however, every thing is absent that is essential to fair trial; a knowledge of the charge, opportunity to hear and controvert the evidence, &c. &c. are absent, and that alone is present which, by law, is inconsistent with fair trial, namely, that the party is supposed to criminate himself. Here the parties are examined as to their own guilt without being acquainted with the charge; they are questioned as to facts, without knowing to what end their answers are to be employed; they are not suffered to produce evidence in their exculpation,

exculpation, nor permitted fully to meet specific charges.— Besides, too, the very materials of which the report is composed are not necessarily such as to enable the house to understand them so fully as to enable them to pronounce an impartial and intelligent decision. I admit at the same time that the subject is one of a most grave and solemn nature; and that although no loss nor even inconvenience can be alleged to have arisen from the transactions that have taken place; yet if, in a great money department, irregularities have been committed, it may be the duty of the house to set a mark upon such proceedings. But whether in this case it be fit to do so, must depend upon a consideration of all the circumstances, which at present are not before us in the report. Till all those circumstances are investigated and ascertained, the house cannot be in a situation to form a fair opinion of the matter, far less can it be justified in coming to any vote of censure. I felt this before I came into the house this day, and the speech of the hon. gentleman has confirmed my opinion. The statements of the report are founded on documents which I defy any man to say do positively and of themselves prove that any man is criminal, far less can they enable us to ascertain the quantum of demerit, or the degree of severity with which it should be stigmatised. Such is the judgment I formed upon looking at the report itself; far more must it be impossible for us to decide fairly now, when many of the hon. gentleman's arguments are founded upon the complicated materials of accounts very difficult even for the most skilful accountant to unravel, and which in one day cannot even be examined. Surely then the hon. gentleman calls upon us for sentence long before the cause is ripe for it. The hon. gentleman, it is to be observed, though he opened the case with three charges, gradually varied his ground, and at last concluded with telling us that he should call for the opinion of the house this night only upon one. Yet he admitted that the whole case was connected. What he proposed to postpone, or abandon, or change, he still pressed into the service as suspicion. This course, however, I am persuaded the house will by no means countenance. As to the point, whether Lord Melville participated in the profit of money employed for private advantage, I think it would have been more becoming had the hon. gentleman, instead of bringing it in as matter of aggravation, stated it as a separate charge, because that is the point which must most nearly touch the feelings of all

all who are concerned in his lordship's reputation, of all who feel any interest in the fate of men standing upon the trial of their guilt or innocence. I readily agree that the subject is one which deserves the most serious attention of the house; it is one which I am desirous they should investigate in the simplest manner, and that should be put in that train of examination as will enable us speedily to form such a judgment as duty and honour require. But the materials before us, particularly as applicable to the charges now made, are not sufficient to enable us to pronounce. I am sensible that there are many points that ought to be farther inquired into; there are various points in which manifest errors exist. My object therefore is, that a speedy and complete investigation should take place. The first charge dwelt upon by the hon. gentleman, though not that on which he calls for an immediate resolution, is, that certain sums of money were applied to other than naval services. On this head I must say, that the whole case is not before us. Will the house be contented to pass judgment on the naked unexplained fact? Will they refuse to inquire what were the circumstances under which this application took place? Can it be denied that such a fact may exist in a vast variety of shades; that it may have been wanton or it may have been necessary, that it may have been great or small, that it may have been done upon a responsibility by which the public cause was benefited in a most important manner? Will the house then refuse to inquire into those circumstances? Will they refuse to ascertain in what light the affair deserves to be viewed?—This surely must be obvious to every gentleman who hears me, and I put the case to shew how absolutely necessary it is that a farther inquiry should take place before we proceed farther or pronounce any decision. In pursuing this statement I am satisfied that a select committee of this house is best calculated to prosecute such farther investigation as will prepare the house for an impartial decision. Allusion has been made to this transaction, and the name of a right hon. friend of mine (Mr. Long) is mentioned in the report as having repaid to the treasurer of the navy certain sums lent by that department for other public services. I must state freely then that I should be ashamed to say that I was ignorant of such a transaction having occurred. I should, on the contrary, be inclined to give to the house an account of the circumstances of the affair, its consequences to the public service, and, conscious of having been actuated by no
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motive but an honest zeal for the public, I should have no hesitation to submit to the judgment of the house a transaction which, irregular and illegal as it may be, originated in no sinister views; and in their decision I should humbly acquiesce, whether it were of praise or censure. I am confident that the sum in question was repaid without loss or inconvenience to any department; and I can add too, that its application was under such circumstances as it would have been improper to disclose, for a considerable period at least after they had happened. I can say likewise, that the sum of 40,000*l.* was two-thirds of the whole sum at any time diverted in this manner; and if there was no abuse or misapplication in this instance, I think it forms a sufficient presumption against any misapplication by Lord Melville in those other departments where he presided, and to the use of which the honourable gentleman thinks he might have, at his own discretion, diverted other sums. As to the charge of Lord Melville conniving at Mr. Trotter turning the public money to his own advantage, I beg to have it understood, that when properly investigated and all the circumstances explained, I am not inclined to say that conniving at the application of the public money for the purpose even of an innocent profit to individuals, without actual loss to the state, is altogether to be justified. But our judgment will depend upon a complete knowledge of all the circumstances—will depend upon an inquiry into the mode of its employment, the probable danger, and the amount. The commissioners of naval inquiry, however, do not say that the issues of the treasurer or paymaster of the navy were greater than necessary, or that the money imprested in his hands was not forthcoming whenever it was wanted. In fact, nothing could accelerate those issues in such a manner as to increase the balance in the paymaster's hands at pleasure. As to the risk to which the money employed by Mr. Trotter was exposed, it certainly does not appear Lord Melville had any knowledge how it was applied. The hon. gentleman selects from a voluminous body of accounts, extremely intricate and difficult to unravel, a variety of items, to shew that it was vested in different denominations of stock; but he does not attempt to shew that any loss or inconvenience arose to the public. I do not say indeed that the mere circumstance of no loss having accrued is a justification; but if no loss did arise, it is a sufficient presumption that no great risk was incurred. Under these circumstances it appears that many points stated in the report demand elucidation; and when I state one or two material errors, I

am satisfied the house will see the impropriety of deciding upon evidence so imperfect. In their report the commissioners notice a circumstance to which they attach considerable importance. They observe that considerable sums came into Messrs. Coutts's hands without passing through the bank; and they insinuate they know not with what abuses or further risks this was connected. The sum which they suppose might have come into Mr. Trotter's account at Coutts's without passing through the bank they estimate at six millions, and they exemplify one million paid in on a particular day. Now, I am informed, that in point of fact the million in question did come from the bank, that it was drawn by a draught under one of the regular heads of service, and brought by one of the clerks or messengers of the office to Messrs. Coutts, and it was all paid away in the course of a few day, having been destined to meet a certain number of navy bills then in the course of payment. This fact of itself overthrows the statement of the commissioners, and affords a fair presumption that in other points their representations would be corrected by further inquiry. As to the balance at any time in the hands of Messrs. Coutts, it is not easy, perhaps, to be ascertained; but even though the principle of placing it in any private banker's hands is not altogether to be justified, yet it must be material to know, if it was kept there for the greater facility of the current payments of the office. It is clear that at all events money must be drawn in the gross from the bank, to be paid in detail, as from the nature of navy payments very many of them could not be carried on by draughts on the bank. The commissioners have likewise fallen into an error, in stating that it was in the power of the paymaster to increase the balance in his hands, by conducting the soliciting of money from the treasury, so as to induce the different boards to which he acted as bankers, the transport, navy, sick and hurt, &c. sooner than it was wanted. But in this the paymaster's duty is wholly ministerial. He obtains issues of money upon memorials from the respective boards, expressive of the sums they will require for the service of the month. Nor could his being tardy in his solicitation have the effect to make them apply sooner than the money was wanted. If he were so, his balance, instead of being increased would be diminished; and on the other hand, his diligence in soliciting could not procure him the additional balance, as in every case the amount of the issues must depend upon the estimates of the different boards, the heads of which must be guided in their demands by the exigencies of their respective services. The statement of the
commissioners,

commissioners, therefore, makes against the conclusion they draw; nor, indeed, is there reason to believe that any stratagem of this sort was ever attempted. In another point the commissioners have fallen into an error. It is understood that there are generally outstanding certain assignments, which are entitled to prompt payment, and the money to answer them, as stated by the commissioners of accounts, whose meritorious labours have been alluded to, is entered to the account of the paymaster, or sub-accountant. The commissioners give a state of the balances at the bank, and making an estimate of the current payments, say that those balances amount in one period to 33, and in another to 45 days' expenditure, whereas they assert that it need not be above ten or fourteen. This average, however, the commissioners do not calculate fairly, as in the one case they take it not on the whole years of the period, and in the other take it on the most disadvantageous periods of the term they include. But this balance, they say, "is not deducting assignments outstanding." Now, these should be deducted as the payment is assigned, and it depends on the party holding the assignment, to receive it when he pleases. The unassigned balance should alone be looked to. However, upon examining the statement of the commissioners, even upon the principle on which they admit the average should be made, what they estimate at 33 days is only the average expenditure of 17, and at the end of Lord Melville's treasurership, only 15 or 16, and in some so low as 8 days. Now, if on a point of this sort the commissioners have fallen into no less than four errors, it is evident that the accounts and documents must require a more minute examination; and a select committee, therefore, appears to me best fitted to prepare for the house that accurate investigation on which its decision should be grounded. With regard to the charge of Lord Melville having participated in the profits derived from the employment of the public money, it is particularly necessary that a more detailed examination should take place, as it depends so much upon matters of account. I had expected, however, that after the solemn denial of Lord Melville on this subject, no suspicion of that kind would be any longer insisted upon. Lord Melville has most expressly disclaimed his having knowingly or intentionally derived any profit or advantage from Mr. Trotter's application of public money. Whoever compares the questions put to Lord Melville with the letter of his lordship, must be sensible that he in the first instance declined to answer positively, because from the blending of the accounts the advances by Mr. Trot-

ter may have been from public money in his hands. On the face of the accounts 100,000*l.* is the whole amount of the advances to Lord Melville. It is known, that of all the sums of 160 millions which had passed through the hands of Lord Melville, every farthing has been applied to the purposes for which it was issued, and has been regularly accounted for. But if it is thought necessary to fix minutely the balances that may have existed at particular periods in the running account between Lord Melville and Mr. Trotter, a minute examination is indispensable. When that takes place it will be found that of 100,000*l.* which, on the face of the account, was paid to Lord Melville, many of the draughts, though bearing the name of Lord Melville, were in reality payments for public services. If this can be made out, as I am informed it can, it will place this matter in a new light, and is of itself a conclusive argument for farther inquiry. Let it be remembered too that in drawing any inference from the accounts, it will be necessary to make allowance for the sums which Mr. Trotter was in the habit of receiving for Lord Melville, his salary as treasurer of the navy, as lord privy seal in Scotland, and other sums not appropriated there. These points present subjects of various and important investigations, which, till they be performed, it is inconsistent with every principle of liberality and justice, to state as the foundation of any suspicion that Lord Melville was in any manner connected with Mr. Trotter in speculations of profit from the public money. As Lord Melville, however, disclaims any such understanding of mutual advantage, I trust that this charge of participation will be abandoned. Nay, if it should turn out that, in consequence of the blending of accounts, Lord Melville should unknowingly have received an advance of money which belonged to the public, I submit it to the candour of the house, or of any member, whether that circumstance could attach any stain of sordid motive to Lord Melville, from which his character is so averse? I cannot believe that the house, that any individual could, not merely in consistency with the feeling of liberality, but the dictates of common sense, be so unreasonable as to accuse on such narrow grounds Lord Melville of having been influenced by pitiful considerations of personal profit.—Upon the whole, however, as there are no materials before the house, on which they can form a fair judgment, as the parties accused have not had a fair trial, have not enjoyed the right of hearing the charges and meeting them by evidence and explanation; as the conclusions passed in the house are many of them drawn from accounts detailed, and difficult to be unravelled, which

which a committee can alone state with clearness and precision; as the appointment of such a committee, while it interposes little or no delay in the determination of this important subject, will enable the house to do justice at once to the country and to the parties accused; I shall conclude with moving, That a select committee be appointed to consider the tenth report of the commissioners of naval inquiry, and the documents therewith connected; that they examine the same, and report their opinion thereon to the house.

Mr. Fox inquired of the right honourable gentleman (*Mr. Pitt*), if it was his intention to object to the resolutions moved by his honourable friend appearing on the journals, in the event of his amendment being carried?

Mr. Pitt explained that his intention was to move the previous question, with the view, in the event of its being carried, that his own amendment should be substituted in place of the motions put by the honourable gentleman.

Lord Henry Petty would have left it to others better acquainted with the secrets of office, to have followed the right honourable gentleman through the statement he had made, had he not felt that there could be no impropriety in his speaking thus early in the debate, conscious that the present was not a question in which long practice was so much required, as a regard to that respect and dignity which every member of that house ought to be equally solicitous should characterise their proceedings. He confessed that he was never more surprised than at the manner in which the right honourable gentleman had begun charging the honourable mover of the resolutions with want of moderation and temperance, although, so far as the noble lord was able to judge of the resolutions, they were resolutions founded on facts, and the whole of the honourable gentleman's speech was composed of deductions from facts. The right honourable gentleman had said that the honourable mover had dealt in a complicated matter of figures. He begged it, however, to be recollected from what this had arisen, from the obscurity in which matters had been involved by Lord Melville and his paymaster; and that the complication was founded on the violation of an act of parliament. Had the right honourable gentleman wished to state the matter fairly, he might altogether have avoided such complication. He omitted to notice what had not been disputed, first, that Lord Melville had violated an act of parliament, by allowing his paymaster to apply the public money to his own use; and secondly, that he had also violated the same act, in having himself applied the money

ney entrusted to him for one branch of service, to another entirely unconnected with it. Did the right honourable gentleman pretend to call these a complication of figures? or were they not rather facts standing admitted on the confession of the noble lord (Melville) himself? He agreed it would be time to go into a select committee after the resolutions of the honourable gentleman had been agreed to, that they might then inquire into the facts which were at present obscure; but he denied that it was possible to go into such committee with any hope or expectation of receiving additional light on the two points he had already stated; it could not be unless they were to indulge the supposition that Lord Melville might forswear himself, and deny in one place what he admitted in another. The question neither required, nor could admit of delay. It concerned the breach of an act of parliament made by their own body, and which the person accused of breaking it, admitted he had broken.—The right honourable gentleman had endeavoured to palliate the guilt of the noble viscount, by stating that the public had sustained no injury. That was a defence, however, which he could not support. It was, in the first place, sufficient to say, that a great loss might have been incurred. But secondly, it was hardly possible that in transactions where so large sums were involved, a positive loss should not have been sustained. The noble lord declared that he felt himself, from possessing no official knowledge, unable to follow the right honourable gentleman into the statements which he had made, farther than common sense enabled him to detect their fallacy. The right honourable gentleman had said, that sums could not be drawn out for the naval service but as they were wanted; and yet he had immediately afterwards confessed that great sums had been diverted from that to other services. Now he was at a loss to conceive, if the right honourable gentleman was correct in his first assertion, that no money could be drawn for the naval service till wanted, how this appropriation could have been made without leaving the navy without the necessary supplies. But, secondly, if money might at all be so diverted from its proper branch of service, it might with equal facility be misapplied to private advantage; for if the door of abuse was once opened there was no saying where the evil might stop. The right honourable gentleman's answer, however, again recurred. The speculations had been successful—no loss had occurred, and so no harm had been done. The noble lord, however, was of a contrary opinion, and if the speculations of the noble lord or his paymaster or broker had been

been successful, it was not difficult to figure from whence their knowledge had been derived. Mr. Mark Sprott, the broker, was in the confidence of Mr. Trotter; Mr. Trotter was in the confidence of Lord Melville; and Lord Melville was in the public confidence; and so they had an opportunity, among them, of carrying on successful speculations in the public funds. He had heard of formidable conspiracies, but for his own part he declared he never heard of a conspiracy more formidable than that formed by those three persons. His lordship alluded to a systematic train of deception practised by Lord Melville, whenever any inquiry was put on foot relative to the nature of his office, and particularly alluded to his declarations before the committee of finance, which he must have known at the time not to be founded on fact. He knew that the principal purpose of the enactments of that committee and of parliament, from the year 1786, had been, that all monies should issue through the bank, and that his office should cease to be a treasury; yet he knew that those instructions had been regularly, systematically, and uniformly abandoned. And was the house now to be told that they must proceed farther in their inquiry into the conduct of such a person before they determined on the propriety of dismissing him from his official situation? Suppose him to ask Mr. Sprott, if he had been in the habit, instead of investing the money entrusted to his care in the names of Mr. Trotter or Lord Melville, of occasionally applying 20 or 30,000*l.* to his own use, and he were to decline answering the question, he suspected he would soon cease to be broker either for Mr. Trotter or Lord Melville. Or, suppose him to plead as an excuse, that, from the mode of keeping his books, he could not say whether he might not have invested part of the money in his own name, would it not be answered that that was a mode of keeping accounts not to be tolerated by any broker on the exchange of London? If so, his lordship would ask, was such conduct to be tolerated in the treasurer of the British navy? The people of England paid their servants liberally, and in no department more so than in Somerset house, and they had as good a right to see justice done them as any person on the stock exchange could pretend to have. His lordship then alluded to Lord Melville's letter, and said, that if in that letter even the noble viscount had asserted his innocence, however much he might have been convinced of the contrary, that would have been some ground for going into a committee. He would like even to hear any of his friends be

be bold enough to make such an assertion. Neither the noble viscount himself, however, nor any gentleman for him, asserted any such thing. And what more remained for the noble lord, than to address him as Cicero did Piso, in his oration against him, when he breaks off, exclaiming, that no person can be more guilty than he who dares neither write nor speak his own innocence? He would ask the noble viscount himself, what he would have said, if, at the time of proposing the act, any person had thus addressed him, "I approve of your act, but you labour in vain, for not twelve months will pass when it will be broken by a treasurer of the navy, and that treasurer of the navy is yourself!" But still more must he or any man have been astonished, had it been added, that, at the end of 14 years, during the whole of which period the act had been violated, there could be found in the house of commons a person to propose that farther inquiry should take place before it was determined if the dignity and character of the house, and of their acts, were to be asserted, and the public purse vindicated against so gross a system of speculation! [*Loud applauses.*] His lordship concluded by expressing a hope that the decision of that night would evince a determination in the house to step forward with one voice in defence of the safety, honour, and existence of the country in a business of such importance.

The *Attorney General* said, if it were a necessary alternative that the supposed delinquency should be punished now, or that it should escape altogether, the propriety of coming to some resolution at the present moment might be more reasonably insisted upon. He doubted whether the noble lord would, on reflection, think it right to proceed to judgment, without the fullest investigation of the facts. He asked, whether it was not essential, in a material question like this, that the particulars should be stated distinctly? whether this was a case upon which the house could be called upon to pronounce, in the state of perfect ignorance in which it stood, and whether any man would not feel more satisfied in doing justice to a great public officer in a fair and deliberate way? The noble lord had argued it was enough that one of the acts was contrary to the act of parliament, to decide upon that act; but which was the most convenient and dignified course, to take the opinion of the house on the separate point under investigation, or upon the whole after due inquiry? This was particularly necessary, as the hon. gentlemen did not confine their observations to any one point, but wished that all they said

said should have a general effect. What inconvenience could result from an inquiry which would embrace the subject, and what mischief would arise from the propriety of a censure being considered that day or to-morrow rather than that day? If there were any who thought this promptitude requisite, they would vote accordingly; but the house at large would consider whether there would not be more weight and character in the more deliberate course. It was agreed on all hands that inquiry should take place. The noble lord wished a separate decision on one point. Was any point so insulated as not to be connected with the whole? While there were such important grounds of inquiry the house should not be called upon to pronounce judgment when conviction was so remote, at the same time that further inquiry could have no ill effect.

Mr. Tierney complimented his noble friend. It was matter of pride to any man to be allowed to call himself the friend of such rising talents and eloquence. He agreed with him that nothing was more fit than to appoint a committee after the first point should be agreed upon, a committee in which all that related to accounts and calculations may be sifted and made clear. The transfer of money from one service to another was also matter for a committee, but what was to be done with the remainder of the tenth report? Did Lord Melville ask for further delay, saying he had evidence sufficient for his acquittal? Did Mr. Trotter say any thing to that effect? But the people of England looked to that night for the opinion of their representatives in this important case. He would ask the right hon. gentleman how long it was since the expedient of a reference to a committee occurred to him? The right hon. gentleman was anxious for the production of Lord Melville's letter, and still more, that the public mind should be set at rest on this point before the Easter recess. He asked now, what necessity there was for a committee, when the right hon. gentleman said that committee could not throw any further light on the affair? Was it contradicted, that the conveyance of the public money from the Bank of England to a private bank was contrary to law, and still more, the application of it to private purposes? This established at once a right to inquire. Did any one say, that Mr. Sprott was in a very honourable predicament, when he was so loud when not on oath, and so silent when he was?—He compared the present case to that of the late sheriffs of London, who were not allowed to justify themselves on oath at the bar. He doubted much whether a committee of inquiry would have come to any decision

cision in a week or a month; for when the house would have to go over what had occupied the commissioners above six months, the task could not be very easily performed. The conduct of Lord Melville was now canvassed over the whole country, and the judgment formed on it may be conceived from this, that his lordship's best friend would not say for him, *Not guilty, upon my honour*. Parliament had appointed commissioners for the correction of abuses in the navy. The commissioners had reported that Lord Melville had been guilty of a breach of the law. Neither Lord Melville nor any one else offered any thing in denial of the fact. He did think a committee of inquiry proper, not for crimination, but with a view to refunding. It appeared that one million had been drawn upon the bank in one day. A clerk was sent with a draught to the bank, who was on his return with the money to pass Somerset House to Mr. Coutts's. There could not be clearer evidence that this plea of convenience was overstrained by Lord Melville and Mr. Trotter. The act was most provident for the public security, and none more difficult to be misunderstood. He had read it particularly, not to know what it directed, for that was obvious, but to discover what possible excuse it afforded for this conduct. He could not believe that Lord Melville wantonly and systematically continued to put the public money into Mr. Trotter's hands, to convert it to his private advantage; it was a thing which he could not believe; but it was impossible Lord Melville could be ignorant that such profits were made; and when Lord Melville judged Mr. Trotter the most proper person to be intrusted with his private affairs, when he derived accommodations from him of ten or twenty thousand pounds at a time; and let no man here make little of ten or twenty thousand. The familiarity with millions had led to this contempt of sums which could not be given to any member of that house, without causing great complaint. The country could not be satisfied unless the question was met fairly and broadly. He was sorry if any unworthy means were resorted to out of doors to cast reflection on the noble lord. As to the handbills, saying the pay of the seamen was kept back, he did not believe the report was credited; but he took the opportunity of declaring that to his certain knowledge it was unfounded. He allowed it was not right to take advantage of the public feelings to injure individuals, but neither was it right to neglect or disappoint the public, in a war like the present, in which it was so necessary to retain the support and attachment of the people; by

by shewing them that the strictest care was taken of their interests. He felt for the honourable gentlemen who were placed in the situation of managing Lord Melville's case with such bad materials; but the consideration of any feelings should not be allowed to interfere with public justice. He vindicated the mode of trial before the commissioners, where the persons examined have every fair advantage. He complimented the commissioners on the zealous and upright discharge of their duty. When the person of whom all these complaints were made was still at the head of the great department in which the delinquency had occurred, and the propriety or impropriety of his continuing in that situation was to be decided on, the present moment should not be allowed to pass without marking the sense of the house on these important matters. He was proud in being connected with the administration that had instituted the commission, and he called on the friends of that administration to support the motion.

Mr. Canning and the Master of the Rolls rose at the same moment.

Mr. Canning remaining in possession, said, On any other occasion, I should with the greatest pleasure have given way to my honourable and learned friend (the master of the rolls); but after the speech I have just heard from the honourable gentleman (Mr. Tierney), whom I have succeeded in the office I now hold, and considering that the present question relates peculiarly to that department of administration with which I am most intimately connected, I feel particularly anxious to deliver my sentiments on this occasion; and I may perhaps feel that I have some claim to the indulgence of the house on the present motion, particularly after the application so directly made to me by the honourable gentleman who spoke last. The official knowledge of that honourable gentleman, and his authority with the public, are strong reasons for my being desirous of giving to the house as early as possible such explanations as my short acquaintance with the office of treasurer of the navy enables me to give on some points which I think the house and the public appear to misunderstand, and which the right honourable gentleman has not quite fairly represented.

First, sir, I have to complain, that the honourable gentleman's speech has taken rather a whimsical turn towards its conclusion. There being two parties before the house, the accuser and the accused, the honourable gentleman has endeavoured to interest the feelings of the house for the accuser, and not for the accused. "You must condemn

Lord Melville (says the honourable gentleman), or you will discredit the commissioners whose report is under consideration, who were appointed by authority of parliament, and whose reputation parliament is bound to uphold. 'Think what will be the situation of these commissioners, if one whom they have indicted should be pronounced not to be a criminal!'^m Really, sir, unless all the rules by which judicial questions are regulated, and judicial decisions guided in this country, are to be reversed in the present instance, I cannot think the failure of an unjust indictment (supposing it to be such) so great an evil as an hasty sentence, either against, or beyond, the merits of the case. If there is no other argument to induce the house to come to an imperfect and partial decision, I trust the house will not be swayed by an argument of this kind.

I trust, sir, that the house, in its usual love of justice, will give an opportunity to inquire, whether the whole of the charge exhibited against the noble lord may not be capable of being done away? If they think it probable or even possible that it may, they cannot possibly vote for the motion proposed by the honourable gentleman; and still less can they be induced to vote for it by the speeches that have been made this night, which, professing only to call for a decision on one point, have yet gone to the length of influencing the minds of the house as to the whole. If, by agreeing to the amendment, the house would be precluded from taking cognizance of the guilt (if such it should appear to be) at a future time, that consideration, I will fairly admit, might have some weight in determining the house rather to come to an instant decision, at some hazard of injustice, than by throwing away this opportunity to lose the ends of substantial justice for ever. But no impediment of this kind would arise from agreeing to the proposition of my right honourable friend, which goes only to interpose a short delay, and to put the whole transaction in a train of being fairly examined. The mode proposed by my right honourable friend is best calculated to answer the purposes of justice, by instituting an inquiry into all the circumstances of the case, which hitherto has not been done; and what is the alternative? That the house should come to a final determination on the subject, by which all possibility of explanation would be excluded.

But the right honourable gentleman who spoke last has stated to the house, that the mode proposed by the original motion is recommended by a late precedent in the proceedings of the house on the subject of the Middlesex election. He says, that in that case the house decided that it would:

would not proceed in the examination of evidence at the bar, but took up the case on the report of a committee, upon the ground that the evidence which was adduced before the committee was upon oath, and that which was to be heard at the bar must be without oath. The honourable gentleman contends that the circumstances are precisely the same here; for that the evidence before the committee of naval inquiry was upon oath, but if the house hears any further evidence upon that subject, they must take it without that sanction. Now, begging pardon of that honourable gentleman, I contend that the two cases have no common nature, nor indeed any resemblance to each other. The decision on the late case of the Middlesex election, in which the house adopted the report of the committee, and concluded upon it without hearing further evidence, did not turn on the point of difference between evidence upon oath and that which was taken without that sanction; but upon the principle that the parties charged with misconduct had been fully heard, had been allowed all the forms, and what was much better than all forms, the substance of a fair trial; they were called upon to answer; they knew the charge, and heard all the evidence in support of it, had actually cross-examined that evidence, and were heard by counsel as to the effect of that evidence, not only on the trial before the committee, but afterwards at the bar of this house, before the house thought itself warranted in pronouncing judgment against them. But here the case is entirely different. Not only has the noble lord not been fairly tried, but he has had no trial. Lord Melville hears for the first time, on the publication of the report, the nature of the charge against him. And upon this charge alone, without allowing opportunity for investigation, the house is called upon to proceed to judgment.

The right honourable gentleman has told us that the report of a commission, framed on a similar plan with that whose report is now before us, was taken as the groundwork of many useful regulations; and that among others, the very act (the 25th of the king, chap. 31.) the violation of which is now in question, arose out of the report of such a commission. Granted. But if a commission is competent to recommend regulations, does it follow that it is competent to try accused persons, and condemn them,—or, what would be the same thing, send them to this house for condemnation, to be pronounced upon them unheard? There may be abundance of precedents, and there are no doubt, for following implicitly the suggestions of a commission

sion as to matter of regulation; but I defy the right hon. gentleman to produce one of a criminal sentence so blindly adopted, and so unadvisedly confirmed.

But nothing can be plainer, it is contended, than the present case. It is the violation of an act of parliament that is complained of. Here is the letter of the act; there is the practice that has been followed: the two are manifestly inconsistent, and this inconsistency is a matter obvious to common understanding, and not requiring examination or evidence, to make it clear. According to this mode of argument, the aggravations, which the hon. gentleman who brought forward the motion, and those who followed him have employed, ought to be put wholly out of the question, and the verdict of guilty to be pronounced only on a clear understanding, and manifest proved violation of the act. Grant me this; and however the right hon. gentleman may be surprised at the assertion, I venture confidently to assert that Lord Melville has not been more guilty of violating the letter of the act, than he the right hon. gentleman (Mr. Tierney) himself during the whole course of his treasurership, even after the introduction of the improved practice (and I admit it to be an improvement) upon which he prides himself; or than I, in following that right hon. gentleman's example.

But here, sir, I beg I may not be misunderstood; I beg I may not be supposed to stand up as the apologist, or the imitator of those irregularities by which the law is stated to have been violated; or as contending that such was the course in which the act of parliament intended the issues of money to be conducted. I do no such thing. The question of irregularity;—of the extent of the irregularity;—of the motive which may have dictated it, and which may either excuse in a certain degree, or may aggravate the impropriety of it,—I understand to be not now under discussion. It is admitted on all sides that these things must be reserved for future investigation. The one point to which we are desired to confine our attention now, upon which the vote of the house is to be founded, and to which the right hon. gentleman who spoke last especially limits his accusation, is the bare violation of the act, the technical crime of an infraction of law; and upon that I am ready confidently to argue that the case is by no means so clear as it is assumed to be. What do gentlemen contend to be the meaning of the law? that no money for naval services, absolutely none, shall be drawn from the bank till it is to be paid into the pocket of the public creditor? that there shall be no intermediate fund, great or small—no aggregate

gate stock out of which small payments may be made; but that each particular payment, as it occurs, shall be satisfied by a specific draft upon the bank, payable to the person to whom the money is due? This is the construction of the act, if they construe it aright; and supposing them right in this construction, I defy them to shew me one syllable in the act which admits of any degree or distinction, or allows of the smallest deviation from the strict rule on any occasion however urgent, or to any extent however insignificant. And if this be the construction upon which the house is to judge, I not only do not pretend that Lord Melville is guiltless of the violation, but I contend that the right hon. gentleman who spoke last, that the right hon. gentleman whom he succeeded as treasurer of the navy, that the noble lord who preceded him, was guilty, and that I myself am daily guilty of the same offence against the law; that every treasurer must be guilty of it, so long as the law remains unaltered, unless he is satisfied to adhere to the letter of the law, at the expence of suffering the whole business of the payment of naval services to stand still. Gentlemen probably are not aware of the multiplicity of payments which are daily made in the navy pay office, and of the minute fractional divisions into which many of those payments are split. Their general notion probably is, that in the issue for naval services of such vast sums as we have heard of to-night, and as appear in the accounts in the report, tens of thousands, and hundreds of thousands, and millions; large gross sums alone are paid by the office, and that the subsequent distribution to satisfy individual claims and shares is made extra-officially by agents or captains of ships. In short, they assimilate the navy pay-office in a great degree to the army pay-office, and are surprised that the same regulations which may have been found applicable to the one, should not be equally effectual when applied to the expenditure of the other. Nothing can be more unlike. The navy pay office is to the navy what not the army pay office alone, but the army pay office, with the addition of army agents, of colonels of regiments, of barrack masters, and other subordinate accountants, is to the army. The army pay-office issues gross sums to be subsequently distributed by persons holding no situation in the office. The navy pay office makes the minutest individual payments, the fraction of a single seaman's yearly pay, the quarter of a seaman's wife's allotment; and are such payments as these ca-

pable

pable of being made by drafts upon the bank; a draft for *one pound seven shillings and three pence*, a draft for *fourteen shillings and seven pence three farthings*!—I have in my hand an abstract of the number of payments made in the navy pay office in the course of the month of January. In twenty-six days, they amount to six thousand four hundred and two payments, of which no less than three thousand two hundred and seventy-eight were of sums under twenty pounds, and one thousand eight hundred and ninety-four in sums from *one pound eight shillings to ten and sixpence*. Is it practicable to make such payments in such numbers, each by a specific draft upon the bank? Then as to wages, there are at this moment open, in the pay room of the office, no less than *six thousand eight hundred ships' books*, upon any one of which, at any hour, a call may be made for the wages of any seaman who may happen not to have been present at the payment at the outport, for the money due to him for four or five years, or as many months' service. In the course of this month calls have actually been made upon one hundred and twenty-two of these books, and some of them for wages due ten years ago. In this complication of small money transactions, is it possible to imagine that the law intended every particular payment to be made by a specific draft upon the bank? Gentlemen, I see, acknowledge the thing to be impossible, and are ready to contend that the act of parliament cannot have meant to prescribe an impracticable regulation. Then, I say, the whole argument upon which the charge of this day is built, falls to the ground. Whatever the act of parliament does prescribe, of this I am sure, (and no man who has read the act attentively will contradict me) that its prescription is general, positive, without difference or discretion. If it does say that payments shall be made no otherwise than by drafts on the bank, it says so of *all* payments great and small, it excepts none, it leaves no qualification. I defy the man who most wishes to wrest the interpretation of the act so as to make Lord Melville guilty, and others who have held the same situation blameless, and to make disobedience to the act in his instance criminal, by shewing that, in other instances, it has been complied with without inconvenience;—I say, sir, I defy any such person to point out to me that passage in the act by which the payment of small and fractional sums in London (the outports, we all know, are specially provided for by a clause of the act) are excepted from the general prohibition,

tion, if such it be, against paying otherwise than by draft upon the bank: and if there be no such exception, then the violation of the law is not peculiar to Lord Melville; the plain, naked indictment of illegality, on which gentlemen rely this night, is common to him with other treasurers of the navy, with his own immediate successors, and even with the right hon. gentleman (Mr. Tierney) and his boasted *write-offs*, and with myself, who follow the example which he (Mr. Tierney) has set me, in that mode of drawing money from the bank.

By this mode (of *write-offs*) there is indeed an effectual prevention to the accumulation of any sum of money in the paymaster's hands. His drafts are merely used to transfer a portion of his credit at the bank to the different sub-accountants; and they, and they only, do actually draw out the money. But they do, and must, draw out money for the small payments, not by specific drafts for each particular sum, but in round sums, to be afterwards paid away in fractional payments. By these, therefore, the act is still violated; and if we go to trial upon the strict letter of the law, construed as the hon. gentlemen construe it, the right hon. gentleman (Mr. Tierney) and I must be found guilty as well as our predecessors.

Here again, however, sir, I beg not to be misunderstood. I am not denying the advantage of the present practice; I am not defending the abuse of the former one. If a law be impracticable, and must be violated, still I know necessity limits the violation which it justifies; and the motive, the object, and the degree of the departure from the law, are all matters of consideration, and must in fairness be considered before we affix the degree of censure to which such a departure is liable. But these questions of motive, of object, of degree, surely these are the very questions which can be decided only by further investigation. All that I contend for is, that nothing is plain upon the face of the transaction but the simple fact, that the law (construed as the hon. gentlemen construe it) has not been adhered to; and upon this single fact the hon. gentlemen call for judgment. I say, upon this fact alone judgment cannot be given fairly. I say, upon this fact alone not Lord Melville only, but every treasurer of the navy who has acted under this law must be found guilty. I say, it is the *quo animo* of the deviation from the law, it is the excess of that deviation beyond the necessity of the case, which constitute the moral guilt of such a practice, in contradistinction to its mere illegality. And these are circumstances which cannot be taken as proved by any

evidence which you have yet before you, by the report of any commissioners, who examine only with a view to criminate, or even by the admission of any party, who, when examined, know not to what point his examination was meant to apply.

Upon the question of the extent to which the deviation of the act of parliament has been carried, and upon that of the loss or hazard (the hazard rather alone, for any notion of loss, I think, is, on all hands, given up) of public money, I am perfectly confident that there are the most extravagant misconceptions and exaggerations abroad. I shall not be mistaken, I hope. I am not justifying, nor prepared to justify, any unnecessary contravention of the law, any hazard of public money that might have been avoided;—but we are here debating upon condemnation and punishment, upon the proofs necessary to condemn, upon the extent to which punishment may justly be carried; and in deciding these questions, surely it is necessary that we should have a clear, distinct conception, not of the truth or falsehood only, but of the shade and colour of aggravation belonging to every part of the charge on which our sentence is founded. Will any man who hears me say, that, in passing sentence this night upon Lord Melville, he is not influenced in any degree by any matter extraneous to the mere dry question of law upon which alone the resolutions turn? Will he say that, in apportioning the measure of punishment, he is sure that he leaves wholly out of his consideration all those circumstances of inflammation with which the report of the commissioners, and the rumours out of doors, have filled his ears and his mind, and that he looks to nothing but the nakedness of violated law? Will any man say, will the right hon. gentleman who spoke last, (to use his own solemn appeal) lay his hand upon his heart and say, that he does not in his conscience believe, that a vote passed this night against Lord Melville, though confined to the fact and to the mere illegality of the fact of withdrawing money from the bank, though argued for upon this ground only, though agreed to by the house on this ground only, would carry with it, in the opinion of all mankind, a complete sweeping condemnation of Lord Melville, in every particular in which his conduct has been impeached; a comprehensive and unqualified confirmation of all the imputations and calumnies which have been circulated against him, of fraud, peculation, robbery, of gross and foul personal corruption? It is no answer to me that this would not be the intention of such a vote; it is no answer to me that almost every gentleman who has spoken, and particularly the
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right hon. gentleman who spoke last, has distinctly disclaimed any suspicion of Lord Melville's participation in the advantages which accrued from Mr. Trotter's disposition of the money in his hands. It is no answer to me, that there is not one intelligent or understanding man who does not know that not one farthing's loss has been sustained by the public, or by any public claimant. All these things are blended together in the clamours out of doors, and a partial and hasty vote to-night will inevitably confirm them all together.

Is it any thing more than justice, then, that the whole charge should be thoroughly examined before sentence is pronounced upon any part of it? Do gentlemen really doubt whether there is much colour of aggravation given to the charges against Lord Melville, unintentionally no doubt, by the report of the commissioners; whether there is any allegation in that report capable of being disproved, or reduced in magnitude and malignity? Is not the specimen given by my right hon. friend near me (Mr. Pitt), of the extraordinary and almost incredible mistake in the table, p. 155 of the report, by which the commissioners exaggerate an average balance of *fourteen* days expenditure in the hands of the treasurer of the navy, into an average of *forty-five*;—is not this instance of enormous misrepresentation in a matter of figures, where it could hardly pass undetected, sufficient to satisfy gentlemen that there may be error, that there may be exaggeration in other parts of the allegations of the commissioners; that it may be part of the duty of this house to examine into the soundness of those different allegations themselves, before they adopt them implicitly as the foundation of a criminal sentence? What would be the feelings of gentlemen, meaning fairly, if, after having passed such a sentence, severe as they are called upon to make it, and irrevocable as in its nature it must be, they were to find, upon subsequent investigation, (for an investigation we are told there is yet to be) that much of what they had taken for granted was extremely doubtful—much that they imagined to be proved was falsely stated, and capable of complete refutation?

Sir, it is really a whimsical course that we are desired to take; it is not easy to state the proposition in terms without expressing one's surprise at a difference of opinion existing upon it. It is agreed that we are to have an inquiry; it is certain that we are to pronounce a judgment, but the point of contest is, with which we shall begin.

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But is it impossible that any such disclosure should come out as can materially affect the merits of the case? Sir, I will give gentlemen an instance: What if I were to tell them that I entertain a doubt whether public money, that is, money the property of the public, *has*, in point of fact, been drawn out of the bank before it was wanted? In truth, sir, I do entertain a very considerable doubt upon this subject. I will state the grounds of that doubt as shortly as I can:—In the table already referred to, p. 155 of the report of the commissioners, gentlemen will see that there are two statements of the balances in the treasurer's hands, the one by the navy board, the other by the treasurer, and there is a considerable difference between them. This difference I shall best explain in the words of that report of the commissioners of 1782, to which the hon. gentleman who opened this business has referred, and very properly referred, as the foundation of all the regulations by which the office of treasurer of the navy has been governed; as the original source, and therefore the best expositor, of the act of the 25th of the king.

In speaking of the difference between the treasurer's statement of the balance in his hands on a given day, and that of the navy board, the report of 1782 says—"This difference lies in the cashier's and victualling branches, and arises from the following cause: When the boards assign bills upon the treasurer for payment, they immediately give him credit for those bills, in his account kept at their offices; but the treasurer does not himself take credit for any bills in his own account till he actually pays them. The persons who receive these bills do not always immediately present them to the treasurer for payment, but frequently keep them in their possession for a considerable time. The treasurer's balance must therefore exceed the navy balance as much as the sum of the bills assigned upon him for payment exceeds the sum of the bills actually paid by him."—Now I intreat the attention of the house to the sentence which follows: "We conceive this excess is *not* money for which the treasurer is accountable to the public, but belongs to the proprietors of those bills, and remains in his hands at their risque, until they apply to him for payment."

Now, sir, if this doctrine be true, and it is of high authority, —the very highest upon this subject;—and if the money withdrawn from the bank has not exceeded the amount of the bills assigned upon the treasurer for payment, it is plain that

that not only no public money has been lost, but none, absolutely none, not one farthing the property of the public has been put to hazard.

And how stands the fact upon this subject? how stands it on the face of the report now before us? Let gentlemen be so good as to look once more to the table, page 155 of the report, and note the difference between the treasurer's and navy board's balances. Let them then turn back to page 128, where they will find what may be considered as the indictment in this trial, the allegation of the deficiencies at the end of several years during Mr. Trotter's paymastership, by which is meant the amount of public money which ought to have been in the bank of England, and was not. Gentlemen will see that the commissioners profess to make this statement of deficiencies on the treasurer's "unappropriated" balances; but by comparing this with the other table, p. 155, they will see that it is in fact made *not* on the "unappropriated" or navy board balance, which excludes the assignments; but on the treasurer's or gross balance, which comprehends the amounts of bills actually assigned on the treasurer but not paid—the amount of which bills the commissioners of 1782 expressly state to be money for which the treasurer is *not* accountable to the public. If the calculation were made (as it professes to be) on the "unappropriated" balance, so far from any deficiency, there would appear to be more in the bank than the treasurer is charged with—that is to say, it would appear that not only the whole of the public money was in the bank, but that by far the greater part of that which was not the property of the public, of that which was the property of individuals, holders of bills assigned upon the treasurer and at their option any hour to bring to him for payment, was in the bank along with the public money.

In fact, the amount of the balances in the hands of treasurer of the navy on an average for the fourteen years, from 1786 to 1799 inclusive, during which Mr. Trotter was paymaster, and during which those deficiencies are imputed, for permitting which Lord Melville is now to suffer, will be found to be, in round numbers, about 510,000*l*. Of this sum the average of assignments, that is of bills assigned upon the treasurer but outstanding and not brought to him for payment, is about 146,000*l*. the average of the imputed deficiencies 41,000*l*. or something less than one-third, but more than one-fourth, not of the public

public balance in the treasurer's hands which ought to be lodged in the bank, but of the amount of those assigned bills which might at any hour be brought for payment, and which the commissioners of 1782 report to be money for which the treasurer "is not accountable to the public."

Now, sir, I do not say that if this turns out to be as I have stated, here is no fault any where—here is nothing to blame, nothing to correct, no irregularity, no sin, if you will, against the spirit of the act of parliament: but I do say, here is, a very different case from that which we have all this night been arguing upon, from what this house and the public have been taught to believe. I do not say, therefore, do nothing; there is no call for animadversion; no ground for parliamentary interposition: but I do say—do that which is called for by the case as it really stands, and not that which an inflamed and mistaken statement, an exaggerated and untenable representation of the matter has led you to propose. Least of all, sir, do I say to the house, take this for the truth upon my bare statement of it in a speech in this house. I say only, examine for yourselves; go to the bottom of these allegations; and that you may do so soberly and effectually, refer the report to a select committee.

Other detached and separate instances there are in which great misrepresentation has prevailed, and great prejudice has existed; upon one or two of which, as they have been stated in the course of this night's debate, I am desirous of offering a few observations. It has been stated in this debate, I believe by the noble lord over the way, that Lord Melville's anxiety to prevent the closing of the accounts of his treasurerships indicates a consciousness of guilt: and this anxiety is said to be proved by Lord Melville's conduct in respect to the accountant's branch in the navy pay-office, which branch was instituted by Lord Melville himself for the express purpose of bringing up the old accounts, and keeping up the new; but which, after a short trial, Lord Melville himself is alleged to have wantonly discontinued. The commissioners are particularly severe upon this transaction, and upon the grounds upon which it is supposed to have taken place—the extreme press of business during the late war, and the absolute necessity of employing the clerks belonging to the accountant's branch in the current business of the office. The commissioners inveigh against the "false economy in not augmenting the number of clerks in proportion to the increase of business in the office;" and in this invective I cordially

dially agree with them. But they are mistaken, and so are those who quote from them, as to the object of that censure, whom, no doubt, they take to be Lord Melville. No such thing. First, sir, Lord Melville has the merit at least of having instituted the accountant's branch; and he did not discontinue its functions till the navy board withdrew those clerks of theirs who were employed jointly with the treasurer's clerks in the navy department; who, from the nature of the business, must co-operate with the treasurer's clerks, and without whom the treasurer's clerks cannot proceed. Secondly, Lord Melville had no power, the treasurer of the navy has no power, to augment the number of his clerks at will. He must apply to the lords commissioners of the admiralty, his superior board, and they must obtain for him an order of the king in council before he can add one single clerk to the establishment. It is not quite fair therefore to take for granted that the omission was his. But if gentlemen are curious to know whether any application ever has been made, for such an augmentation as the commissioners recommend, and has been rejected, I will tell them. Lord Harrowby, Lord Melville's immediate successor, did apply to the then board of admiralty for an addition to the establishment, stating as the ground of his application, not only the general increase of business, but the dispersion of the accountant's clerks, and the desirableness of putting that branch into activity. Lord Harrowby's application was not complied with. Since I have had the honour to hold my present situation, I have renewed Lord Harrowby's application; and long before the commissioners of naval inquiry had recommended the measure, I had obtained the consent of the present board of admiralty to such an augmentation of clerks as will, I hope, enable the accountant's branch to resume its functions. Lastly, sir, as to the fact of Lord Melville's final accounts being delayed: those of his first treasurership are closed—those of his second treasurership are nearly so; and as to the accounts of that last treasurership, which was carried on in the new mode of account, they may be said to have been closed, so far as he is personally concerned, on the day on which Lord Harrowby succeeded him in office. It is impossible to devise any reason for a treasurer of the navy now desiring to keep his accounts open after quitting office, as not one farthing of balance remains in his hands.

One other point, though already explained as I thought satisfactorily by my right honourable friend (Mr. Pitt), having been referred to by an honourable gentleman (Mr. Tierney),

Tiernéy), I shall take the liberty to re-state, the rather as it leads me naturally to a remark upon certain observations of the commissioners, which I think it material not to leave unnoticed. The enormous sum of one million is stated by the commissioners, and shewn by Messrs. Coutts' accounts, to have been paid in to Mr. Trotter's credit in one day, at one payment; and, so far as the commissioners say they can trace it, not directly from the bank. The inference which they rather suggest than distinctly draw from this fact is, that this sum must either have been paid out of the exchequer otherwise than to the bank, or that it must have been applied in an improper way in its transit from the bank to Messrs. Coutts's. I do assure the house that when first I heard of this extraordinary item in Mr. Trotter's accounts, I was as much astonished and alarmed as any one of the commissioners could be. The magnitude of the sum was one so much out of the ordinary course of the receipts of the office, that I could not well account for the issue of it; it is so much more beyond the ordinary course of expenditure within any reasonable limited time, that I could still less account for the transfer of it at once to Messrs. Coutts's, on the plea, on which alone such transfer could be at all defensible, of its coming speedily into distribution. I required therefore the fullest explanation; and I found it, where the commissioners would have found it also if they had looked for it, in the common ledger of the office. This million was part of a larger sum of two millions and a half issued on the 10th of April 1795 to pay what is called a course of the navy, that is to say, navy bills and victualling bills outstanding for a certain number of months—in this instance for the last three months of 1794, and the three first of 1795. Of all the money transactions in which a treasurer of the navy can be engaged, this is that in which he has the least possible control or foresight, or even guess respecting the receipt and issue of money. My right hon. friend (Mr. Pitt) has already sufficiently shewn you that in no case has the treasurer or paymaster any power of accelerating or retarding the issue of money or delaying its expenditure; that he can neither get money into his hands sooner than the boards direct him to apply for it, nor retain it a moment longer than till the public creditor calls for it; that he is in all respects a mere banker, without authority, without discretion, bound only to receive what is paid into his office, subject to account, and to pay out what is drawn for upon him by those who have a right to draw. But in this instance, above all others, he is purely passive—purely and merely the channel

channel of conveying money from the government to the public; for here even the boards, his employers, have no previous knowledge of the issue. The treasury alone is aware when it will be convenient to them to pay off bills that are floating in the public market; and when they have resolved to do so they give as short notice as possible, for the obvious purpose of not affecting the value of the floating securities which they are about to redeem. Accordingly on the same day they send notice to the boards to advertise the payment, and to the treasurer to receive the money for making it. This one million appears to have been paid into Messrs. Coutts's on the 11th of April. On the 10th the Gazette announces from the navy and victualling boards that there is money in the hands of the treasurer to pay off their bills of six months standing. On the same day the entry in the office books shews that there was issued to the governor and company of the bank of England, on account of the treasurer of the navy, 2,500,000*l.* for that special purpose. On the 11th a transfer of one million of this sum is made to Messrs. Coutts's, on the plea that navy and victualling bills being in the hands of persons at the west as well as at the east end of the town, it might be a convenience to have a part of the money in course of payment at Messrs. Coutts's;—(the plea may be good or bad; but in this particular instance there is no temptation to use it falsely);—and in the course of a few days (a fortnight at most) after this transfer, the whole of the money is actually paid away. Such, sir, is the plain history of that transaction, which has constituted, out of doors at least, one of the most formidable objects of alarm and suspicion. And this plain statement of it, drawn from the sources which I have mentioned, I hope, will at least satisfy the house that I was not quite so wrong, nor my suggestion altogether so frivolous or so insidious as the commissioners are desirous of representing, when I referred them upon points which I could not clear up to their satisfaction, to the books of the office for information. The inspection of a single page of the ledger of 1795, and a reference to the Gazette of the 10th of April in that year, would have made it wholly unnecessary and impossible for them to report upon this point, as one wrapped up in impenetrable obscurity.

And here, sir, I claim a few minutes of the indulgence of the house before I sit down, on certainly by much the least important part of the report upon your table, that which relates personally to myself. I understand that the hon. gentleman who brought forward the motion did, at the opening of his

speech, which I was not fortunate enough to hear, refer with some degree of censure to the impediments which the commissioners state to have been thrown in their way, and the denial, as he supposes, of accounts necessary to their complete investigation of the business before them. And the commissioners themselves, after stating the delay in giving some accounts which they had thought proper to call for, in a shape wholly unusual, and unknown to the practice of the office, proceed to say "these accounts were afterwards furnished," an expression which seems to imply that *all* the accounts had been furnished, and, consequently, that no real difficulty could have existed in preparing them. Sir, there is a small inaccuracy in this statement. *All* these accounts were *not* furnished. Not one of them was or could be furnished precisely in the shape in which it was called for; and one, the most material, was found impossible to be made out; and for that particular account it was that the commissioners were referred by me to the books of the office. Perhaps it would have been as fair if they had subjoined to their report another letter of mine, in which I stated at length the reasons why the accounts could not be made out in exact conformity to their precepts, and why that upon which they laid most stress it was not in my power to furnish at all. With the leave of the house I will read just so much of that letter as will, I hope, clear me in the opinion of the house and of the public from any imputation of a desire to obstruct a course of inquiry, which, conducted on proper principles, and with justice and moderation, I should have as little inclination to obstruct, as I could have of personal interest in obstructing it. The extract with which I shall trouble the house is very short:

"I hope you will find reason to be satisfied that the returns have been made out, though not in strict conformity with the words of the requisition, yet with a real desire to furnish the information intended to be obtained.

"It is not from the want of this desire that the 4th column of your schedule with the title 'where deposited' is returned in blank. An account has indeed been prepared and submitted to me (I am persuaded the most accurate that the office can furnish) purporting to state the distribution of the balance in the treasurer's hands at each given period, between the different sub-accountants of the office, the paymaster, the treasurer, and the bank: but the materials from which this account was compiled, appeared to be
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“no other than certain *memoranda* in the books of the office, authenticated by no signature; checqued (so far as I could find) by no comparison with other books or accounts, and supported by no vouchers whatever.

“The books themselves are of course at your command. But having found reason to be satisfied that the statement which is to be collected from them is by no means to be relied on, I have thought it better to refer you to them than to return you an account, which I *know* to be inaccurate, and which the office does not appear to me to furnish the means of correcting.”

This, sir, is the manner, these the grounds on which I recommended to the commissioners the inspection of the books of the office. They had powers, which I had not, to bring other collateral evidence to bear upon entries which appeared to me imperfect or obscure; and I cannot but hope that the house will be satisfied from this statement that I have in no degree been wanting in my duty; and that a reference to the books of the office, for reasons such as I explained, did by no means imply any thing like a desire on my part to obstruct the fair course of inquiry.

Sir, if you pass the motion proposed to you this night, the fair course of this inquiry will be obstructed indeed. Satisfied I am that this vote, though founded on the mere technical construction of the law, will carry with it, and most unfairly, an implication of guilt, general and indiscriminate; of that guilt which the resolutions themselves do not impute; of which the state of the question before the house does not warrant the imputation; and the intention to impute which, most gentlemen who have spoken, and particularly the right hon. gentleman who spoke last, has distinctly disclaimed. The right hon. gentleman who spoke last warns you that your vote this night in favour of the resolutions is eagerly expected out of doors, and that you must not disappoint the public expectation. I warn you, sir, that you are called on to do justice; that you are bound therefore to weigh this vote well; to weigh not only its literal meaning, but the whole intent and comprehension in which it is liable and likely to be construed; to consider that not only the construction of an act of parliament to which it is contended you must be prepared to give your sanction (though I have argued, and I do think have shewn, that it is not so clear and unquestionable as has been imagined) but the implied conviction of enormous moral guilt, which, by the confession of every man, we are not yet in a condition to decide upon, is involved in this night's decision. I ask you, not to

acquit, because you are not prepared to condemn, but merely not to pronounce a condemnation which will involve all parts of the charge, when by your own confession you are prepared to pronounce only upon one: and above all things, if you are not conscious of being perfectly masters of every part of the case, if you feel the necessity of inquiry upon many points, and if it be possible that in examining them doubts may be thrown even upon what you might now assume as demonstrated, I conjure you not to be swayed by any warning or intimidation to do that by a hasty vote to-night, which you cannot know to be in all respects just, and which you may by possibility find hereafter to have been an act of injustice. When the guilt is proved, I will not be the person to lift my voice against the judgment which must follow; but let not the judgment precede the proof, and preclude the inquiry by which alone its equity can be established.

Mr. George Ponsonby conceived that the motion for going into a committee was highly necessary. It was quite natural for the hon. member who spoke last to support that motion, for surely he never would have restored Mr. Trotter to his office, unless he thought he could exculpate himself. It was not to shelter Mr. Trotter from punishment, or to give him the means of evading conviction, that the committee was proposed, but for the purpose of allowing him to make out the innocence of which the hon. gentleman was already convinced in private. The hon. gentleman, and the right hon. gentleman near him, very much misunderstood the nature of his hon. friend's motion, when they spoke of the charge singly, as if there were but one. There were several charges, and all of them not so connected as to render it impossible to decide on one without pronouncing on them all. For instance, Lord Melville being one of the commissioners by which the new regulations for the office of treasurer were framed, he conspired at the paymaster taking the money out of the bank, and keeping it in a way directly prohibited by law. Whether there was a participation, and to what amount, and the other points, were separate questions that might be considered distinctly from this clear and obvious breach of the law. As to the charge of this being *ex parte* evidence, he allowed the phrase was justly applied, but he saw no reason why the gentlemen should quarrel with it. The evidence was all on one side, that side was their own, and they were themselves the witnesses. As to the charge of want of notice, it was as public as possible. That the inquiry was instituted to detect all abuses, malversations, and peculations, Lord Melville must have

have known ; they did not send for him to blazon forth his perfections, to exalt and remunerate his merits with something beyond the rewards and distinctions he already enjoyed. He condemned Lord Melville for not giving a direct sanction, rather than a dastardly connivance, to the use Mr. Trotter made of the public money. The hon. gentleman next adverted to the argument insisted on by some gentlemen, that there was no fault in the business, because there was no loss. To what might not the practical consequences of such a doctrine mislead ? What would become of the control, of the very essence of the house of commons, if money voted for a certain branch of the public service was to be applied to another, contrary to the vote of their appropriation, or even diverted from the public service to the advantage and emolument of individuals ? The right hon. gentleman has also observed, that if an inquiry was instituted, it would be found that so large a sum as that stated by the commissioners had not been sent by the paymaster to Messrs. Coutts ; that Mr. Trotter had never speculated with the public money to the amount insinuated. But whether it was five or ten millions with which he speculated, the traffic was equally illegal ; and the manner in which he derived advantage only proved that he was an expert calculator, not that he had not violated an act of parliament. As to the proposed delay, he was at a loss to see any reason for it. No further evidence was required, for produce what evidence you may, you can never prove that the law has not been violated. The amount of the sum which the infringers of the law may have acquired by the breach of it, has nothing to do with the question. Both should, at least, be made to refund the public money. Was an interval, a respite to be allowed them, that they may make over their property, so got, to their particular friends, or family ? If an inquiry was to be entered into, surely they should be disabled, in the interim, from making any disposition of their property. In a business of this nature, the character of the house was more involved than in almost any other. He hoped and trusted his countrymen would vindicate the independence of their character, and that they would hold forth a laudable example of disinterestedness and self-devotion, and prove to the world, that, as far as in them lay, no power, no wealth, no rank, no connexions could rescue from the honest indignation and vengeance of the house, the sordid, shameless dealings of public peculators.

Mr. Canning rose to explain the cause of Mr. Trotter's continuance in office. He said he had never seen him until he was appointed

appointed paymaster under him. He restored him because he was a useful man. And he had not removed him from office, because his case was *sub judice*.

The *Master of the Rolls* disapproved of the manner in which the business was taken up by gentlemen on the other side. It tended to make the house enter upon a judicial proceeding. They were eager to bring the accused persons to punishment, but he was at a loss to see how they were to be punished before the exact nature and extent of their offence was ascertained. The whole of the charges seemed to rest on suspicions of the principles on which Lord Melville acted; that they were corrupt and against law; but was it not impossible to decide on these points without further inquiry? There were or might be endless gradations in the guilt of the violation of an act of parliament—some might best be prevented even by the slightest censure. Before, then, the house proceeded to punish such an infringement, they should first inquire into all the circumstances attending it, and all the shades by which it was characterized. Could this be done without a minuter, a fuller inquiry? Nothing like personal corruption was proved against the noble viscount. How was he to judge of his own offence but by his own understanding? How did it appear to what degree he connived at the conduct of his servant? There was no proof of any loss sustained; and if there was no loss, there was no risk. These and many other points were wholly left in the dark by the commissioners, and they could not be cleared up without further inquiry.

Mr. Fox began by stating that he would be extremely unwilling to suffer this question to be put without expressing his sentiments upon it; for if unhappily the vote of the house should be opposite to that which he hoped and wished, he would feel very uneasy indeed that his name should partake of the universal odium that must attach to any decision tending to second such notorious delinquency as the report on the table declared. He could never reconcile it to his mind to be silent upon such an occasion, lest he should be suspected of declining to mark with the strongest reprobation guilt of a nature so glaring, that any man who gave it the sanction of his vote, or attempted to protect it from punishment, must be viewed in the light of an accomplice, or one at least disposed to become the accomplice of similar transactions. Before he would proceed to the merits of the charges under consideration, he thought it proper to notice the arguments of the gentlemen on the other side, not because he considered those arguments possessed

possessed of any intrinsic force, but lest from the authority of the persons from whom they proceeded they might have the effect of leading the house to a decision, which, if it should correspond with the wishes of those by whom such arguments were used, must destroy its character with the country and with all Europe.—The first gentleman with whom he would begin was the last who spoke. That learned gentleman directed the whole of his observations to shew that the house should go into a committee in order to ascertain whether the breach of the act of parliament, not of which Lord Melville stood charged, but of which he confessed himself guilty, proceeded from corrupt motives. If corruption consisted merely in a man's putting money into his own pocket, according to the vulgar conception, perhaps some of the deductions of the learned gentleman would be right. But he would contend that nothing could be more corrupt, in his opinion, than to permit a man's own agent to convert the money of others to his own private emolument. This was the amount of Lord Melville's confession; and although it might be possible, from a further examination, to prove the noble lord more guilty, it did appear to him utterly impossible to prove him less so.—For the most conclusive evidence of the noble lord's corruption, he would only refer to that paragraph in the 149th page of the report, in which the noble lord stated, that "although he knew his agent Trotter was applying the public money to other purposes than that for which it was legally intended, that he did not prohibit him from doing so." What was that, he would ask, but complete corruption, even taking the case *simpliciter*; but combining it with other circumstances, could any man entertain a doubt upon the subject of his guilt? What greater aggravation of his delinquency in tolerating the breach of his own act of parliament, could be imagined than allowing his agent to misapply the public money, for the safe custody of which that act was intended? But it is pretended that no loss had accrued to the public from this malversation, and a very singular argument was advanced, that as there was not loss there was no risk. Now (said Mr. Fox) it happened in certain parts of my life, which I do not quote with a view to recommend my example to others, that I was in the habits of engaging in certain speculations which are commonly called gaming. If a man should, in that kind of speculation, win a large sum of money, I am sure that an argument would not thence arise that he had run no risk. I rather think the natural inference would be that his risk was considerable. Probably,

Probably, however, in this case, Lord Melville did take care that Trotter should not lose any money. Trotter was the confidential agent of Lord Melville, and Lord Melville was the confidential agent of the state. Therefore in the sort of speculations in which Trotter engaged, Lord Melville could guard against much risk. If two men play cards together, and that a third person stands behind one of them and throws hints to the other, he that receives the hints is tolerably sure of winning. Just so in this business; Lord Melville knew when the navy bills were likely to be funded, and Mr. Trotter could act upon the information he might receive. Will any one say then, that from such acting upon such information, no loss would accrue to the public? On the contrary, I maintain, that the public would suffer a loss of one per cent. upon the discount of such bills. But, then, observed the hon. member, the learned gentleman desired the house to go into an inquiry, in order to obtain farther evidence. He would appeal to the judgment of the house, whether any farther evidence could be necessary to enable it to come to a decided opinion upon the breach of law, which the noble lord himself confessed? That opinion the house was called upon to declare. The public had a right to demand it from them. It was said, that the house ought not to think of acting judicially, of inflicting punishment without the fullest examination into the merits of the accusation, and affording the accused the fullest opportunity of vindicating himself. And so far as the confession of Lord Melville went, he had been already tried. He would, however, defy those gentlemen who rested their objection so much upon the question of punishment, to shew, that it was at all in the power of that house to inflict any punishment on such delinquents as Lord Melville and Trotter. But if the house should determine on prosecution in any way with a view to punishment; whether by directing the attorney general to prosecute; whether by moving an impeachment, or preparing a bill of pains and penalties, which perhaps would be the more proper mode of proceeding, he would maintain that the confession of the party accused would be evidence to proceed upon, and that the house was now called on to act, as it must in every similar case, as a grand jury, to pronounce upon the guilt of the accused. It was strange to hear it asserted that the accused was not guilty, because no loss accrued from this scandalous transaction. To those to whom the loss of honour was nothing, perhaps it might be said that no loss had arisen. But what was the loss of honour to that
government

government which, after such a palpable instance of delinquency, should preserve its connexion with the delinquent? and what the loss of character and honour to that house, should it attempt by its vote to screen such a delinquent? infinitely more than any sum of money could amount to. Whatever the learned gentleman to whom he had already adverted might assert, he could not see that any farther inquiry could be necessary to enable the house to decide that a great public officer, who allowed his servants to make illicit profits from the public money, in the teeth of an act of parliament, was guilty of a most serious offence. The guilt consisted in the violation of the law, and it never could be pretended that any such violation could be innocent. There were, indeed, many cases in which the most severe punishments attached to offences, to which the charge of moral turpitude did not apply, but which were criminal in consequence of the precept of the law. Such were many of the offences against our revenue laws. Not two years ago an act was passed declaring a man guilty of felony, without benefit of clergy, if paper of a certain sort should be found in his possession, this sort of paper being used for the manufacture of bank notes. Now the reason of this statute was this, that a man could not be presumed to have such paper in his possession but with a criminal intention. Therefore the breach of the act was proof against him. And the act of the 25th of the king, which applied to the case under consideration, was drawn up upon a similar principle; and the breach of it was to be deemed the proof of the criminal intention. Upon this proof, that which arose out of the reason of the law, he had no hesitation in pronouncing the noble lord guilty. At all events, there was no man who could say that strong suspicion did not attach to him. When private individuals became the objects of suspicion, it was their own affair; but when suspicion attached to men of high rank in the state, it became a matter of great public interest. Putting all the circumstances of the case together, he could not see that any thing could be obtained to avert the judgment of the house from farther inquiry. Whatever delay might take place there was only one mode of confirming still farther the guilt of Lord Melville, and that was in case Trotter should *peach*; but there was no mode of evidence possible to be imagined that could refute that which Lord Melville himself confessed. On that confession, then, he called upon the house to proceed, by adopting the motion of his hon. friend. With respect to the charge of Lord Melville's having participated of the pro-

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fits resulting from Trotter's application of the public money, he could not say that there was direct evidence before the house; but there certainly was strong ground of suspicion. The noble lord, it would be recollected, retained the office of treasurer of the navy for nine years after he was appointed to that of secretary of state. [This was denied by the Chancellor of the Exchequer across the table.]—No matter, resumed Mr. Fox, as to the precise time. The noble lord retained the office for several years; and when in that house allusion was made to the circumstance of his holding the two offices, the answer from the other side of the house was, that although he held those offices, he only received the salary of secretary of state, and nothing from the treasury of the navy. Ay, that is, nothing of the legal salary. Did not this justify something more than suspicion? Why should the noble lord so fondly cling to this office of his friend, Mr. Trotter? There were many other persons among even his own relations would have been glad to occupy this situation. But no, Lord Melville seemed particularly attached to it, and would common sense, in considering a thing of this kind, make no inference from that attachment? Another objection arose against the proposed committee, from this consideration, that he did not see that any of the difficulties which some gentlemen complained of could be removed—that any of the obscure accounts could be explained. Those accounts were indeed of such a nature, that the parties themselves could not understand them, and how, then, could it be possible for a committee of that house to make any thing of them? It had been said that the house should proceed with the utmost deliberation in deciding upon character. But upon whose character were they to decide on this occasion? Not certainly upon that of Lord Melville, for his character was entirely gone [*A cry of hear! hear!*], but upon the character of the house and the government, which must depend upon the vote of that night. As to the character of Lord Melville it was so completely destroyed in public estimation for ever, that he would venture to say that, were the vote of the house unanimous in his favour, it would not have the slightest effect in wiping away the stigma that was universally affixed to his name. What then must the world think of retaining such a man at the head of the glory of the country? It was dreadful to reflect that the most honourable claims (honourable professions) should be placed at the disposal of a man, with whose name dishonour is inseparably associated, who had confessed himself guilty of an act of corrupt illegality.—

The

The hon. gentleman took notice of an ingenious and forcible argument advanced by a noble friend behind him (Lord Henry Petty), whose speech he considered, and he was sure the house felt it to be, the best that had been delivered in the course of the debate. He recollected that when the right hon. gentleman on the other side (Mr. Pitt) made his *entrée* in that house, his first essay was in favour of reform, and against corruption. With what pleasure did the house listen to him upon that occasion; but how soon was the promise of his early years abandoned—

‘Quantum mutatus ab illo.’

Let the speech which the right hon. gentleman delivered on that occasion be contrasted with that of this evening, and what a change would be glaring? Suppose the committee were agreed to, what defence could be imagined for the accused? Was it any thing like that mentioned with respect to small payments which the house had heard from the present treasurer of the navy? If nothing better could be devised, it would amount to no defence, for the small payments should be made by the sub-accountants. The treasurer of the navy, or the paymaster, had nothing to do with them. What was stated as to the one million, also amounted to nothing like defence, for that money might as well have been paid from the bank. And here he could not help observing upon the whimsical pretence of transferring the money from the national bank to the bank of Messrs Coutts, for the purpose of security, as if it was not more safe to carry the money from the bank at once to Somerset-house, than to send it to Messrs. Coutts to be brought back again. There was something also in the dying legacy of Trotter to the navy office, that was particularly deserving of a remark. It amounted to this, that Trotter said to his successors, “Now, as I am leaving the paymaster’s office, I shall provide that not one of you shall ever make a shilling by the same means that I have done.” But this he left as a bequest after the death of his own power. He did not even offer it while living. [*A laugh.*] An hon. gentleman had expressed a hope that some measure would be adopted to prevent the recurrence of such a practice as the report on the table disclosed. But there was no measure in the shape of an act of parliament could be sufficient, if this precedent were to be established, that an act of parliament was to be violated with impunity. Into the particulars of this report he could not enter without disgust. It did certainly disgust him to think that a man with whom he had had any connexion,

nexion, although that connexion was even of a hostile nature ; that a man belonging to such a class in society ; that any man of rank would, upon being asked a question, refuse to answer " lest he should criminate himself." He would appeal to any man who had a spark of honour in his bosom, and surely it was not unreasonable to expect some in the breast of a man holding the rank of Lord Melville, whether he would not submit to any punishment sooner than return such an answer. But the noble lord had stated in his last attempt at defence, that he did not authorize Mr. Trotter to apply any of the public money to his benefit or advantage, " to the best of his recollection." Now, said Mr. Fox, my objection to this is, that the noble lord should at all have occasion to mention his recollection on the subject. He should have been confident. There are some cases where a man may be allowed to speak as to his recollection, while in others to mention it is to betray him. If a man were asked whether he was on a particular night in a particular room with John a Noakes, it might be very well to answer, that to the best of his recollection he was not ; but if he were asked whether John a Noakes did not charge him with an attempt to pick his pockets, and kick him out of the room, what would be the inference if he were to answer that John a Noakes did not, " to the best of his recollection ?" [*A general laugh.*] With respect to the noble lord's offering to swear positively that he did not profit from the misapplication of the public money, it was remarkable that his offer was confined to the period in which Sir Andrew Douglas, who was now dead, was paymaster of the navy, but did not at all extend to the paymastership of Mr. Trotter. What was the conclusion then to be drawn from this ? Why, that he was ready to make oath as to the paymastership of Douglas, because he was dead, but did not think proper to swear as to Trotter, because he was alive.—The hon. gentleman made an animated appeal to the pride and feelings of the house, and particularly to those of Mr. Pitt, advising him not to risk the little of reputation that remained to him upon this occasion — not to take this card for his last. He concluded with expressing a hope that the facts exposed in the tenth and eleventh reports would provoke an inquiry into, and a reform of, the several departments of the public expenditure. He trusted that there were men around him who would promote an investigation, so desirable for the cause of justice and the interests of the country.

Lord Castlereagh, in emphatic language, exhorted the house

to

to recollect that, besides the great duty which they had to discharge to the public in sifting the whole of this business to the bottom, there was another duty which was equally incumbent on them, namely, that of doing individual justice to an old and faithful servant of the public.

Lord Andover was in favour of the motion.

Mr. Wilberforce declared that he had listened with the most serious attention to the whole debate, and, in particular, to the arguments which had been urged in favour of the amendment by his right hon. and learned friends below him (the chancellor of the exchequer, attorney general, and master of the rolls); yet, notwithstanding all they had alleged, with their usual ability, he felt himself compelled to dissent from them, and to support the motion of the hon. gentleman opposite to him (*Mr. Whitbread*). If, indeed, said *Mr. Wilberforce*, I conceived that the question before us was, according to my hon. friends' statements, a conclusion to be drawn from *long and complicated accounts*; if we were debating, as they would represent it, concerning *shades of criminality*; if there were any thing intricate, or difficult, or dubious, we then might be fairly called upon to pause; but the point before us appears to me to be perfectly clear and simple; and so esteeming it, it cannot be wonderful if, differing from my hon. friends in the premises, I differ from them also in the conclusion. We have before us a plain, broad, undeniable fact, which no eloquence can gloss over, no ingenuity explain away; this is, that Lord Melville himself has declared on oath, that, for a number of years, *he knowingly allowed his confidential agent and paymaster, in manifest violation of the law, to apply public money to purposes of private emolument*. With this confession before us, can a doubt be entertained by any one what steps the house of commons is bound to take, by every consideration of duty and expediency? It is not necessary now to inquire whether or not the noble lord has applied the public money to his own use. I will even avow, that I cannot persuade myself to believe that there has been any direct participation of gains between him and *Mr. Trotter*; yet having said so much, truth compels me to add, that I conceive he may probably have derived accommodations from *Mr. Trotter's* possession of public money. He knew that his agent had a lucrative situation, and a full purse, and might therefore draw on him freely. But still it is impossible for us also not to bear in mind what *Mr. Trotter* himself states in his evidence, that he thought nothing of such trifling advances to Lord Melville as from ten thousand to twenty

twenty thousand pounds, a declaration which cannot but infuse suspicions as well as excite surprise in men like myself, who are not used to view and treat things on the large scale of Mr. Trotter. But to say the truth, it is of no great consequence, so far as our present proceeding is concerned, whether Lord Melville did or did not apply the public money to his own emolument; for unless we administer an immediate and an effectual remedy to the evil, such as Lord Melville himself has acknowledged it, a door is opened, not only for the misapplication of public money to any extent, but for the grossest and foulest corruption. How can you ever expect, in a case of this nature, to come nearer to a minister of state than to his confidential agent? yet if we pass this misconduct by, we shall establish the doctrine, that, unless we can trace the public money into the minister's own hands, he is to be held immaculate. If we permit the secretary to be corrupt, the public at least will be at no loss what judgment to form concerning the principal; and this consideration is naturally connected with another argument much pressed by my right hon. friend, that the public has suffered no loss. In opposition to this assertion, I must maintain that there is no saying to what extent that loss may have amounted. Remember for how many years the noble lord was at the head of the war department; remember the immense scale of our naval and military operations, the complication, the variety, the extent of our various expences, and then estimate, if you can, the effects which must be produced throughout the whole system, by having a man at the head of it who habitually connived at his confidential agent's misapplication of the public money to his own emolument. How infallibly would this produce similar connivances, and how could he who suffered such a gross abuse to exist under his own eyes, be expected to exert himself with superintending vigilance in checking the expenditure, in preventing abuses, in correcting or punishing official malversation, wherever they might arise throughout the large extent of his official administration? We have heard much of prodigality during the last war, and such a discovery as we have now made would alone be sufficient to account for it. But, as was beautifully as well as justly remarked by a noble lord opposite to me, who will allow me to call him my noble friend (Lord Henry Petty), the injury which we have sustained by this transaction is not to be measured by the pecuniary loss we may appear to have suffered; our loss, unless we now retrieve it, will be the loss of character, a loss which money

money can neither estimate nor compensate. If it has been said with truth "poor is that love which language can express," so we may truly affirm, in the present instance, small is that part of our loss which can be described by figures. It has hitherto been our just glory, that not only in our judicial system, but also in our national administration, notwithstanding all our differences and accusations, the utmost rancour of party bitterness has not, for a great number of years, imputed even a suspicion of personal corruption against any minister. When the state of our country has been compared with that of any foreign nation, knowing as I did even the acknowledged purity of our government, I have held my head high; but can I do so after this night, if such misconduct as is now revealed be suffered to pass unpunished? In the present circumstances of this country, it has been justly stated what fatal effects might be produced by that loss which the house of commons would sustain of the confidence and affection of the people. It was a just and wise observation of the great Lord Clarendon, that the levying of the ship money by the ill-fated Charles, did not of itself inflame the popular humours near so much as the next measure which followed, the decision of the judges in favour of that arbitrary imposition. The people resented indeed the encroachment on their property; but various considerations here suggested themselves to palliate the evil; the king's necessities, they trusted, which had forced him to this desperate measure, would soon be at an end, and then the evil would cease. But when the very tribunals, to which they looked for the redress of this grievance, had established and sanctioned it, in manifest contradiction to the law of the land, as well as to common sense and common feeling, the dissatisfaction of the people became general and extreme, and was no longer allayed by the hope of a legal remedy. This incident speaks to us so strongly in the present instance, that it cannot be necessary to make the application; the lesson which it reads is indeed always worthy of being kept in mind; but I may surely affirm, that if we take a survey of our actual situation in all its extent, both at home and abroad, there never was a period in which, more than at the present, it was desirable that parliament should stand high in the esteem and affections of the people. Let me, however, further remark, that it is the more necessary for us to interpose, because, according to the ablest writers who have studied and written concerning the British constitution, it is in this quarter that we are to apprehend danger; on this hand, that we

we are to oppose a bar against its entrance. Should it ever again happen that any monarch, like the unhappy Charles, should wish to attack the public liberties, it is not prerogative of which we should have reason to be afraid, but influence, operating through the medium of parliament.¹ Such a monarch would endeavour to make the house of commons the engine for the accomplishment of his purposes. Knowing this let us ever vindicate to the house of commons its true and appropriate character, and instead of conniving at abuses and sheltering offenders, let us ever be vigilant and active in redressing and punishing them. But my learned friends below me have argued much from the practice of the courts of law. I am always willing to listen to their legal analogies; but let us not be so hampered with them as to forget our true character and plain duty; let not the *forms* of law be adduced to counterfact the clear principles of eternal and immutable justice. We have here a confession on oath, which no subsequent proceedings can refute or qualify, and can we doubt what judgment we are to pronounce? The instances of the sheriffs of Middlesex have been quoted, and, in earlier times, those of the duke of Marlborough and Sir R. Walpole; but had any of these persons plainly and unequivocally acknowledged their guilt? But my right hon. friend presses us to constitute a committee to investigate all the circumstances of the case, and then to make a report on the whole of the noble lord's conduct. First, I frankly own that I should feel a strong repugnance to such a committee, on the ground of its proceedings not being on oath. Any one who will carefully read Mr. Trotter's examination, must be convinced that he is a witness in whose case one would wish for that security for truth which is obtained by the fear of the penalties of perjury. I confess I should greatly prefer sending back the parties for further inquiry to the commissioners; a proposition which I believe an hon. friend opposite to me (Mr. Banks) had intended to submit to your consideration. But my right hon. friend says, that it might appear from the report of a committee, that the number of days during which Mr. Trotter profited from the public money, was smaller than the commissioners had supposed; but what is that to the purpose of our present discussion? It is to the *principle*, not the *amount*, to which I would direct your attention. If you suffer public money to be knowingly misapplied for private emolument *at all*, there is no saying to what extent the abuse would soon grow. Besides, who can foresee the length to which the proceedings of such a committee

a committee might be spun out? Sir, I will frankly confess, that, where the criminality of the delinquent is so clear and indisputable as it is in the present instance, we should not repress or disappoint that honest warmth which, in common with the public, we ourselves feel on the discovery of these abuses. It has been justly said that second thoughts are too often resorted to as expedients for evading the clear obligations of duty and conscience; and what may our constituents justly think of us, if when such a case as this is so undeniably established, we pause and hesitate, and suspend and inquire, instead of proceeding at once to a decision? My hon. friends talk of the clamour that has been excited, and justly state that we are not to be carried away by any popular cry. But I must say that the disapprobation which has been so generally expressed in the present instance, is not that of the mob, but of that bulk of the middle classes of men in this country which may most justly be said to express the voice of the people, and in whom is generally to be found the largest share both of good sense and integrity. It grieves me much that there should this night be among us any difference of opinion. I know the purity of my right hon. friend below me, and I firmly believe, that my other official friends who are beside me, have been equally free from every taint of corruption. It is with the deepest pain that I see them pursuing a course which will be understood at least to indicate a disposition to justify in others those practices which they would not tolerate in themselves. I grieve for the task that has been imposed on them, and I must say, it is a necessity from which the noble lord himself should have relieved them by voluntarily retiring from office whilst his cause was in a course of trial. If, as has been justly remarked, every naval and military commander who has merely been unfortunate, always quits his situation for a time, till he shall have passed his trial and obtained an acquittal; surely the noble lord would have done well to follow such a precedent. Glad should I have been, if this night at least we could have all concurred in opinion; that it might have appeared both to our own country and to the world, that there were questions beyond the range and above the reach of party; that however we might differ on matters of opinion, or on the doubtful and complicated questions of national policy, yet that on such a point at least as this, we were all agreed. I again, therefore, come back to the point from which I set out, and earnestly beg the house to consider Lord Melville's own acknowledgment on oath, that, for many years, *he knowingly suf-*

ferred his confidential agent, contrary to law, to misapply the public money for purposes of private emolument. Far be it from me to aggravate the criminality of the noble lord's misconduct; I am happy in the opportunity of declaring that instances of his having acted in the most upright and honourable manner have fallen under my own notice: for a high foreign situation, the most lucrative perhaps in the whole empire, I myself know that he appointed a gentleman personally a stranger to him, and who was only recommended to notice by his superior talents, experience, integrity, and fitness for the station he was to fill. But here we have a plain, palpable delinquency, which no former good conduct can warrant our passing by, no future inquiry can possibly explain away or contradict. Let us at once, therefore, take that part, and come to that decision which alone becomes us. We cannot turn away from it without dishonour; it is not Lord Melville only whose case is now in issue, we are ourselves upon our trial, and we must, this night, either subject ourselves to the just suspicion of being disposed to shelter a great public delinquent, or we shall teach our country to look up to us for the redress of grievances, and the reform of abuses, and thereby establish ourselves more firmly than ever in the confidence and affection of the great body of our constituents.

Sir C. Price observed, that as a magistrate and as a man he felt himself most fully justified in declaring that if Lord Melville had been entirely free from any criminality, he would have answered more fully and unequivocally than he had done. He therefore supported the original motion.

Mr. Wallace (one of the lords of the admiralty) defended Lord Melville.

Lord Archibald Hamilton rose, he said, at that late hour, only to remark, that no one Scots member had spoken against the nefarious proceedings of the two Scotsmen whose conduct had been the subject of the debate. He rose, therefore, to declare that he should vote for the original motion.

The house then divided:

For the previous question,	216
Against it,	216

The numbers being equal, the Speaker gave his casting vote against Mr. Pitt's motion. The original motion was then put and agreed to without a division. All the other motions were afterwards put *seriatim*, and carried in the affirmative, without interruption, till they came to the 11th, containing the censure on Lord Melville.

Mr.

Mr. Pitt here moved an amendment to leave out the last words, "gross violation of the law, and a high breach of duty," and to insert the words "contrary to the statute."

On this a debate took place. *Mr. Grey* insisted that it would be a scandalous dereliction of their own duty, not to say that the connivance of Lord Melville in the conduct of Mr. Trotter, was a gross violation of law, and a high breach of duty.

Mr. Wilberforce earnestly conjured his right hon. friend not to press an amendment so utterly contrary to the common sense and common feelings of men. Only consider how the sentence would run, that a person who had been convicted of misapplying public money for purposes of private emolument, had acted—contrary to the statute, while no less could be said of any one who had in the smallest instance and unintentionally broken the law. The only possible ground on which the amendment could rest must be, that it would hereafter appear the sum misapplied was not a large one: but what a lesson would this be to hold forth to future ministers, to the house, to the country, and to the world! What a disparagement of our principles and our character! He really trusted it would be needless for him to enlarge on the subject, and he hoped the right hon. gentleman would not press a proposition so unseemly, wherein the beginning and end of the sentence so ill accorded with each other as to make it as contrary almost to grammatical propriety as to the great principles of public justice.

Mr. Pitt said, he would withdraw that amendment, and only move to insert after the words "for purposes of private interest or emolument," the words "to Mr. Trotter," because, he said, there was no proof or confession that he connived at the drawing out of the money for his own interest or emolument; nay, he had in his letter denied it.

Sir William Pulteney thought this would be reasonable, provided the words "as acknowledged by Lord Melville" were inserted.

Mr. Whitbread had no particular objection to this amendment. The words in his motion had been left general, because it was confessed that the sums were drawn out for private interest and emolument, but not specified directly whether for Lord Melville as well as Mr. Trotter.

In this way the motion was read by the chair. It then stood thus:—"That the Right Honourable Lord Viscount Melville having been privy to, and connived at, the with-

drawing from the bank of England (*as acknowledged by Lord Melville*) for purposes of private interest or emolument, to *Mr. Trotter*, sums issued," &c.

Mr. Windham contended, that after the clear elucidation of the case that the treasurer of the navy could answer whether he had not derived advantage from the public money, the words in the resolution ought not to be left ambiguous.

Mr. Fox said that the attempt to screen Lord Melville from the result of the previous resolutions by so trifling an amendment, would do the noble lord no good, but would put that house in a very awkward point of view.

Mr. Sheridan insisted that the amendment made the motion almost nonsense. To say, in the first instance, that Lord Melville *connived* for sixteen years, and then to fritter away the conclusion, was a most extraordinary way of acquitting his colleague.

Mr. Bastard declared it was impossible for any gentleman to support such an amendment.

Mr. T. Grenville spoke to the same effect.

Mr. Pitt persisting in his declaration that he would take the sense of the house, the gallery was cleared; but on the question being put on the motion as it originally stood, the speaker declared that the ayes had it, and *Mr. Pitt* did not divide the house.

The other two motions were then put and carried.

Mr. Whitbread said, he had of course a motion necessarily to make in consequence of the resolutions of the house that day, but it was then too late.

Mr. Pitt moved that the house should adjourn to Wednesday.

Mr. Fox submitted to the good sense of the house whether in so critical a moment they should adjourn over a single day. They would recollect that the country was now in the hands of a disgraced ministry.

At five o'clock in the morning the house adjourned to Wednesday.

List of the Majority.

Abbot, rt. hon. C. (Speaker)	Andover, Viscount
Adair, R.	Annesley, F.
Althorpe, Lord	Anson, Thomas
Adams, C.	Antonic, W. Lee
Anderson, Sir J.	Astley, Sir J.

Atkins,

Atkins, John
 Aubrey, Sir John
 Bradshaw, C.
 Babington, T.
 Bagensl, Walter
 Baker, J.
 Baker, W.
 Baker, Peter William
 Bamfylde, Sir C.
 Banks, Henry
 Barclay, George
 Barclay, Sir Robert
 Barham, J. F.
 Barlow, F. W.
 Bastard, E. P.
 Best, W. D.
 Bligh, hon. Thomas
 Bouverie, hon. E.
 Brogden, J.
 Brooke, Charles
 Brooke, Thomas
 Browne, F. John
 Browne, I. H.
 Buller, James
 Bumbury, Sir C.
 Byng, George
 Calcraft, J. (teller)
 Calvert, N.
 Cavendish, Lord G.
 Cavendish, W.
 Chapman, Charles
 Coke, Thomas
 Coke, Edward
 Coombe, H. C.
 Cooke, Brian
 Coote, Sir Eyre
 Cornwall, Sir G.
 Courtenay, John
 Cooper, hon. S.
 Creevey, Thomas
 Curtis, Sir W.
 Curwen, J. C.
 Cumming, George
 Daley, D. Bowes

Denison, John
 Duncannon, Lord
 Daniel, F.
 Dickins, F.
 Douglas, Marquis
 Deverell, Robert
 Dugdale, S. D.
 Dundas, hon. L.
 Dundas, hon. C. L.
 Dundas, hon. G. H. L.
 Durand, J. H.
 Ebrington, Lord
 Eliot, William
 Erskine, hon. Thomas
 Foley, hon. A.
 Foley, Thomas
 Fellowes, R.
 Foljambe, F. F.
 Fitzgerald, right hon. J.
 Fitzpatrick, right hon. R.
 Folkes, Sir M. B.
 Folkestone, Viscount
 Fonblanque, J.
 Fox, hon. C. J.
 Francis, P.
 Frankland, W.
 Fuller, J.
 Geary, Sir William
 Giles, D.
 Godfrey, T.
 Golding, E.
 Gregor, F.
 Grenfell, Pascoe
 Grenville, right hon. T.
 Grey, hon. Charles
 Grimstone, hon. J. W.
 Hamilton, Lord A.
 Harrison, John
 Holland, Henry
 Holland, Sir N.
 Howard, Henry
 Hudleston, John
 Hughes, Wm. Lewis
 Hulkes, James

Hurst,

Hurst, R.
 Hussey, W.
 Hutchinson, H. C. H.
 Jeffery, John
 Jekyll, J.
 Jervoise, C. J.
 Johnstone, George
 Kensington, Lord
 King, Sir J. D.
 Kinnaird, hon. C.
 Knight, R. Payne
 Ladbroke, Robert
 Lambton, Ralph
 Langton, W. G.
 Lascelles, hon. E.
 Lascelles, hon. H.
 Latouche, J.
 Latouche, R.
 Laurence, French
 Lawley, Sir R.
 Lemon, J.
 Lemon, Sir W.
 Lefevre, C. S.
 Loveden, E. L.
 Lubbock, J.
 Madocks, W. A.
 Markham, J.
 Manners, John
 Marsham, Lord
 Martin, R.
 Mathews, J.
 M'Mahon, John
 Mellish, W.
 Metcalfe, Sir T.
 Middleton, Sir W.
 Milbank, Sir R.
 Mills, C.
 Milner, Sir W. M.
 Moore, G. P.
 Mordaunt, C.
 Morpeth, Lord
 Morris, Edward
 Mostyn, Sir T.
 Moore, P.

Newport, Sir John
 Noel, G. Noel
 Neville, hon. —
 North, Dudley
 Northey, William
 O'Brien, Sir E.
 Ord, William
 Osborne, Lord F. G.
 Ossulston, Lord
 Palk, Sir Lawrence
 Palmer, John
 Paxton, Sir W.
 Peel, Sir R.
 Peirse, H.
 Pelham, hon. C. A.
 Petty, Lord Henry
 Pierrepoint, hon. C.
 Plumer, William
 Ponsonby, right hon. W. B.
 Ponsonby, George
 Portman, E. B.
 Poyntz, William S.
 Praed, W.
 Price, Sir C.
 Prinsep, J.
 Pulteney, Sir W.
 Pytches, John
 Ridley, Sir M. W.
 Robarts, A.
 Russell, Lord William
 St. John, hon. St. A.
 Scott, Joseph
 Scudamore, J.
 Shaftoe, R. E. D.
 Shakespeare, A.
 Shelley, T.
 Shelley, John
 Sheridan, R. B.
 Simpson, hon. T.
 Smith, William
 Smith, C.
 Somerville, Sir M.
 Spencer, Lord R.
 Stanley, Lord

Stanley,

Stanley, T.	Ward, hon. J. W.
Stewart, hon. M.	Watson, hon. G.
Stewart, James	Wright, A.
Symonds, T.	Western, C. C.
Tarleton, B.	Wharton, J.
Taylor, C. W.	Willoughby, hon. H.
Temple, Earl	Whitbread, Samuel (teller)
Thornton, H.	Wilberforce, W.
Thornton, R.	Williams, H.
Thornton, S.	Williams, Owen
Tierney, right hon. G.	Walsh, Sir B.
Townshend, Lord J.	Windham, right hon. W.
Tyrwhitt, T. D.	Wrottesley, Sir J.
Tyrwhitt, Thomas	Wynn, Sir W. W.
Vansittart, George	Young, Sir W.
Walpole, hon. G.	

List of the Minority.

Ainslie, R. S.	Bagwell, John
Amyatt, James	Bagwell, William
Adams, William	Beresford, Lord G. T.
Abercromby, G.	Beresford, John
Alexander, Boyd	Burrows, Sir W.
Alexander, H.	Campbell, J. A.
Archdall, Richard	Campbell, John
Addington, Hiley	Campbell, Lord J.
Ashley, hon. C.	Clephane, David
Baillie, Evan	Colquhoun, James
Barne, Snowden	Canning, right hon. G.
Beaumont, T. R.	Castlereagh, Viscount
Binning, Lord	Corry, right hon. Isaac
Bloxam, Sir M.	Calvert, John
Bradshaw, R. H.	Clive, hon. R.
Brooke, Lord	Cranley, Lord
Bruce, P. C.	Cartwright, W. R.
Baldwyn, W.	Chute, W.
Bathurst, right hon. C.	Cline, W.
Bond, N.	Curzon, hon. R.
Brome, Lord	Cust, hon. J.
Bruce, Lord	Dent, John
Buller, John	Devaynes, W.
Burton, N. C.	Dick, Quintin
Brodie, James	Dupre, James

Dundas.

Dundas, Philip	Heathcote, Sir W.
Dickson, W.	Henderson, A.
Douglas, Sir G.	Hilliard, E.
Dundas, hon. R.	Hodson, J.
Dundas, right hon. W.	Horrocks, J.
Duigenan, Patrick	Huntingfield, Lord
Dunlo, Lord	Hamilton, Sir H.
Dashwood, Sir H.	Hamilton, —
De Blaquiére, Lord	Hamilton, H.
Dickinson, William	Hamilton, Sir C.
Dickinson, W. junior	Hardman, Edward
Eliot, hon. W.	Hawthorne, C. S.
Euston, Lord	Hill, Sir George
Erskine, Sir W.	Hope, hon. Alexander
Elford, Sir W.	Hope, hon. C.
Ellison, R.	Hammond, Sir A. S.
Estcourt, E.	Hobhouse, Benjamin
Everett, T.	Holford, G. P.
Fane, Francis	Huskisson, W.
Fane, Henry	Inglis, Sir H.
Fane, John	Jaffray, J.
Fane, hon. T.	Joddrell, H.
Fellowes, W. H.	Jolliffe, H.
Ferguson, James	Jephson, Denham
Fitzgerald, M.	Jones, Walter
Fitzhugh, W.	Kingston, J.
Foster, right hon. J.	Keane, Sir J.
Frederick, Sir J.	King, hon. E.
Fydell, Thomas	Leigh, R. H.
Finch, hon. E.	Loftus, W.
Fitzharris, Lord	Lopez, M.
Garland, George	Lee, E.
Giddy, Davies	Leslie, S. P.
Gunning, R.	Longfield, M.
Graham, T.	Long, right hon. C.
Grant, F. W.	Louvaine, Lord
Grant, Sir W.	Mildmay, Sir H.
Greene, W.	Mitford, W.
Gibbs, V.	Morland, W.
Glenbervie, Lord	M'Dowal, W.
Greville, hon. R. F.	M'Kenzie, F. A.
Harvey, E.	Montgomery, P.
Hawkins, Sir C.	Macnaghten, E.

May,

May, Edward	Smith, Spencer
Manners, Robert	Scott, David
Moore, C.	Sinclair, Sir John
Morgan, C.	Stopford, Lord
Neville, Richard	Sneyd, Nathaniel
Nepean, Sir E.	Stewart, Sir James
Nicholl, Sir J.	Sudley, Lord
Osborne, Sir J.	Sargent, John
Odell, W.	Scott, hon. John
Ormsby, C. M.	Scott, Sir W.
Patten, Peter	Seymour, Lord R.
Paterson, J.	Smyth, right hon J.
Pitt, right hon. William	Somerset, Lord C.
Pitt, W. M.	Somerset, Lord R. E.
Porcher, J. D.	Spencer, Lord F.
Preston, Sir R.	Steele, right hon. T.
Pukteney, Sir J.	Steele, R.
Paget, hon. A.	Stephens, Sir P.
Paget, hon. E.	Steward, G. T.
Perceval, hon. S.	Strachey, Sir H.
Phipps, hon. E.	Strahan, A.
Pole, hon. W. W.	Sturges, Bourne
Popham, Sir H.	Talbot, Sir C.
Russell, M.	Thellusson, P. T.
Rutherford, J.	Titchfield, Marquis
Rochfort, Gustavus	Turner, Edmund
Rose, right hon. G.	Thynne, Lord G.
Rose, George H.	Thynne, Lord J.
Salisbury, Sir Robert	Townshend, W. A.
St. John, Ambrose	Trail, James
Scott, Claude	Vansittart, N.
Scott, Samuel	Ward, Robert
Sitwell, Francis	Wallace, right hon. T.
Sloane, Hans	Wortley, J. S.
Smith, Sir W. S.	Welby, Sir W. E.
Smith, J. A.	West, hon. F.
Stanhope, W. S.	White, Matthew
Staniforth, John	Wigram, H.
Strutt, J. H.	Willet, J. W.
Sullivan, Sir R.	Wood, Mark

HOUSE OF LORDS.

TUESDAY, APRIL 9.

Counsel was heard for the respondent in the appeal cause, Andrew Blane, esq. against the Earl of Cassillis.—Further hearing the next day.

The Irish militia reduction bill went through a committee, and was reported without any amendment.

The Duke of Athol presented a bill for granting to Elizabeth Attaiston a divorce from Edward Touche her husband, with liberty to her to marry again.

The Lord Chancellor, after stating that their lordships had in the year 1801 sanctioned the right of a woman to apply for a divorce and to marry again, but that no instances of such applications except two had ever occurred, and those standing in peculiar situations, begged the attention of the house to the present bill when it should come to be read a second time.

The Duke of Athol assented to what had fallen from the Lord Chancellor, and said the present bill must stand on its own merits, when they came to be inquired into.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 10.

The royal assent was given, by commission, to the militia reduction bill, the American treaty, the neutral ships, foreign prize ships, Spanish trade, Bengal council, and Edinburgh police bills, and to six bills of a private or local nature.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 10,

A message from the lords stated their lordships' assent to the English militia volunteer bill, the innkeepers' allowance bill, the Spanish licence trade indemnity bill, the American treaty bill, the neutral ships import and export bill, and the foreign ships privilege bill.

Pursuant to the summons of the deputy usher of the black rod, the house proceeded to the house of peers, and on its return the Speaker stated that the royal assent had been given by

by commission to the above bills, with addition of the Edinburgh police bill, and several private bills.

Mr. Lee gave notice that he would on the 25th instant move for leave to bring in a bill to put the private bankers of Ireland on the same footing with the private bankers of this country; and also a bill for the better recovery of small debts in Ireland.

Mr. Manning brought in a bill for the better improvement of the wet docks, &c. in the port of London.—Read a first, and ordered to be read a second time.

Sir William Scott moved the second reading of the prize courts regulation bill.

Sir C. Pole expressed a wish that the bill should be printed, and sufficient time given for the full examination of its nature and object.

Sir W. Scott declared that it was his intention to move for the printing of the bill; and that far from desiring any improper hurry in its progress, he would, after it should go through a committee, propose it to stand over until after the holidays, when he would move it to be recommitted. Thus gentlemen would have an ample opportunity of considering it.

The bill was read a second time, and ordered to be committed the next day.

Sir J. Newport gave notice, that he would the next day move for the production of an account of all goods imported into the port of Dublin duty free, from the year 1780 up to the latest period at which the same could be made out.

The Secretary at War presented certain accounts, which were ordered to lie on the table.

A message from the lords announced their lordships' concurrence in the Irish militia volunteer bill, the Irish spirits licence bill, the Bowyer lottery bill, and the London assize of bread bill.

Mr. Rose presented, pursuant to order, an account of the proceedings of the privy council upon the memorial of the Duke of Athol respecting the Isle of Man.—Ordered to lie on the table.

Mr. Giles gave notice, that, unless a proposition should be made immediately after the holidays, by the gentlemen on the other side, to continue the act respecting the commissioners of naval inquiry, he should feel it his duty to submit a motion upon that subject. By the period he alluded to, he must suppose that ministers would have opportunity of knowing whether the commissioners would be able to get through the bu-

business assigned to them before the expiration of the session, and, therefore, whether the necessity would exist, in the event of which the right hon. gentleman (Mr. Pitt) promised to bring forward a motion for the further continuance of the act.

MOTION AGAINST LORD MELVILLE.

The Chancellor of the Exchequer, as soon as he entered the house, stated, that in consequence of the decision of the house on a former evening, Lord Melville had tendered his resignation of the office of first lord of the admiralty, which resignation his majesty had been graciously pleased to accept.

Mr. Whitbread moved that the resolutions which the house had come to respecting Lord Melville on Monday night should be read, which were read accordingly.

Mr. Whitbread—I rise, sir, in pursuance of the notice I gave on a former evening, to submit a proposition, which is the natural consequence of the resolutions that have just been read. This proposition is of such a nature that I cannot at all be induced to abandon by the notification that the right hon. gentleman has given to the house; for the event to which that notification refers, by no means answers the object of my motion. I feel that much more is due to the vote of this house, and to the feelings of the public. The demand of public justice is not yet satisfied. If the issue of the debate of Monday evening were merely of a personal or party nature, if it was our object only to hurt the feelings of Lord Melville, we might be satisfied with his removal from the responsibility, dignity, and emolument, attached to the high office that has been mentioned. As far as the principle of individual humiliation can extend, the triumph is complete indeed. But I trust it cannot be imagined that any gentlemen who act with me on this important occasion are actuated by any private or party feelings. No; the cause in which we are engaged is of the highest nature. It is the cause of public justice. It is that which we shall not abandon, but still continue to urge from the fairest motives, until complete satisfaction shall be obtained. I am fully assured of the pure and exalted views of those by whom I have the honour to be supported; and for myself I can say, that if I know my own heart and feelings, I am completely free from the slightest influence of a vindictive spirit. Impelled by a sense of duty to my country to bring forward this accusation, my opinion of the grounds upon which it rested has been justified by your concurrence. I have

have appealed to you, and you have given me your verdict—that Lord Melville has been guilty of grossly improper conduct, and that he, of course, deserves punishment. Thus stigmatized by the vote of this house, and aware that he must, in consequence, be dismissed, Lord Melville has done nothing more than that which would naturally suggest itself to any man's feelings—he has tendered his resignation. But although the resignation has been accepted, although Lord Melville has been removed from a high office, what security have we, what security has the country that he may not be restored to-morrow to the same office, or placed in some other high and confidential situation? Is it fit that any ground even for the apprehension of such a circumstance should exist? Is it fit that even the possibility of its occurring should not be guarded against? It is necessary to the dignity of the country, to the satisfaction of the people, to the consistency of this house, that the return of Lord Melville to power should be rendered impossible. In reflecting upon the event of a former night's debate, I cannot but feel that it was a proud day for this country, and I am persuaded that such is the general feeling. The house has acquired glory for itself, and given the highest joy and gratification to the country. Many instances of similar triumph in the cause of justice will, I have no doubt, take place. I am quite confident that the result of this night's discussion will present a fresh source of public pleasure. The house cannot act inconsistently with itself. It will not disappoint the just expectation of the country. That expectation which the resolutions on the table universally excited, eagerly waits for the result to which they point. Of the satisfaction which those resolutions have produced, I need adduce no other evidence than that which every man's observation must furnish. Can any one who looks abroad for a moment doubt the approving testimony which the people so gladly bear to the proceedings that led to those resolutions? The assembly of members was, on that occasion, unusually numerous. The point came to the balance, and it rested with the chair, that seat of impartiality, to determine upon what side it should turn. It remained for you, sir, without wounding any party spirit, to decide which party was right, and your decision was founded in justice. That decision was consistent with the dignity of your station and character, and has secured you the gratitude of your country. Popularity following such acts must ever afford to honest minds the highest gratification, and one may witness in every direction

direction the popularity that attaches to this proceeding. It is visible in the countenances of the people. The congratulation, the self-satisfaction that it has excited, is universally perceivable. Nowhere has it produced dissatisfaction, but in the breasts of the criminal. All that are honest, independent and just, rejoice and thank us. Such, indeed, is the exultation abroad, such is the pleasure that is visible in the looks of the people, that one might say that our history may be read in a nation's eyes. After then having done so much, after having obtained so much gratitude for our conduct, shall we not take another step to complete our work? Shall we not render it impossible that Lord Melville shall ever again pollute the councils or presence of his majesty? At the same time that I express my feelings thus warmly with respect to the delinquent who is the object of my motion, let it be understood, that it is my particular wish to speak with the utmost deference to this assembly, which has conducted itself with so much honour. Let me assure you, that if I did not think the motion which I am about to submit essentially necessary with respect to the individual whom you have so much stigmatised by your vote, I should not press it upon your attention. From all that I have collected among my own friends, who belong to the party with which I have the honour to act, (and to act with such a party I shall certainly always feel my pride and honour,) as well as what I can understand from the gentlemen who generally oppose, but who happened on this occasion to concur with that party, it appears to be the generally prevailing sentiment, that farther and more effectual proceedings should be taken against Lord Melville. Other proceedings will undoubtedly be had; but upon this occasion it is my intention to submit a motion, the object of which will be to deprive that noble lord of every civil office he holds during the pleasure of the crown, and to dismiss him from his majesty's councils and presence for ever. I ask of the right honourable gentleman opposite (Mr. Pitt), whether he is prepared to make a pledge to that effect? I also ask, whether the vote of this house has been treated with a due deference in another quarter? Whether Trotter has been dismissed? (Mr. Canning answered *Yes*.) Has Wilson also been dismissed? (Mr. Canning answered *No*.) Then I say that all this was necessary, in respect to the decision of this house. There may, however, be particular reasons why Wilson should not be dismissed for a few days. Some arrangements may be previously necessary. But is it not the intention to dismiss him?

(Mr.

(Mr. Whitbread paused for an answer, but none was given, and he resumed). Whether or not it be the intention of the right honourable gentleman to dismiss Wilson, sure I am that he ought to be dismissed, and that, from his conduct before the commissioners, he is unfit to hold any public office. He was evidently the accomplice of Lord Melville and Trotter; and as those delinquents have been dismissed, Wilson ought certainly to meet the same fate. With respect to the course of proceeding I mean hereafter to follow against Lord Melville and Trotter, I shall avail myself of this opportunity to give notice, that it is my intention immediately after the holidays to move that the attorney-general shall be directed to take measures to compel those delinquents to give an account of the monies they have had, and to refund the profits obtained through the misappropriation of the public money. As to the way in which this should be done that must be left to the judgment of the right honourable gentleman himself. There are other proceedings also which it will be necessary to take. There are many dark and mysterious points connected with the tenth report, and other subjects which must be brought to light. It is my purpose to move an inquiry into those several topics. It is stated in the tenth report that sums of money had been transferred from the treasury of the navy to other services. In the illegality of such conduct the right honourable gentleman over against me (Mr. Pitt) has confessed that he was a party to a certain extent. The purpose for which transfers were made might be meritorious, but still it must be recollected that the transfer was a violation of law. This violation is admitted, and whether the purpose to which the money was applied was or was not meritorious yet remains to be seen. To inquire into this and various other transactions, I shall, after the holidays, move for the appointment of a select committee. Give me leave here to observe, that nothing can be of more importance than that the public money should not be disposed of by any other authority than the vote of parliament—and here is a direct, avowed assumption of that authority. Whatever the pretence, or however meritorious the object, I feel that this withdrawing of money from one service to supply the purposes of another at the mere will of a minister, calls for the most serious examination. It is rather remarkable, that this practice of misappropriating the money belonging to the treasury of the navy appears to have taken place only while Lord Melville was in office. No transfer, or even negotiation for such a transfer, seems to have occurred during

during the time of any of those who preceded or succeeded the noble lord in that office. The reason of this singular difference, and whether any, and what justification can be produced for that part of the noble lord's conduct, may be ascertained in the committee, as I must suppose that papers are in existence to account for such transactions—that some record of the cause of such things is preserved—that all the documents respecting these particulars also are not burned. Several other parts of the tenth report, upon which I shall not now dwell, and many subjects besides which are not included in that report, but which call for examination, may be referred to the consideration of the committee. I touched slightly the other night upon the conduct of the bank of England in the course of this transaction. It appeared that the cashier had not sufficient vouchers, according to the act, for the money advanced to Mr. Trotter; I am however given to understand that there was a slip or mistake in the evidence of the cashier before the commissioners, but that the conduct of the bank was correct. If this be the case, the imputation should not be suffered to remain—a farther examination should be instituted, and may arise before the committee. Before that committee also the right honourable gentleman opposite (Mr. Pitt) may have his conduct inquired into. That right honourable gentleman, according to what I have heard in the course of conversation, and indeed it is the general rumour, was for years apprised of the irregular manner in which the public money was drawn from the bank by Trotter, and he never attempted to put a stop to that practice. This is a serious charge against the right honourable gentleman, and may be referred to the consideration of the committee, before whom he will have an opportunity for explanation. Unless the right honourable gentleman shall exculpate himself from the guilt of such connivance, serious proceedings must be taken against him also. What, that the finance minister of the country should be acquainted with such proceeding, as I have every reason to believe that he was, and not take measures to prevent its continuance! Is not this matter deserving of inquiry, and, if the rumour be well founded, of serious animadversion? The case of Jellicoe also I would propose to refer to the committee. That certainly forms a serious charge, not merely against Lord Melville, but against other persons. If I am rightly informed, the commissioners of the treasury were implicated in the guilt of this case, and are responsible for the loss arising from the debt which Jellicoe's property owed to the public.

public. We have been speaking so much, in the course of this discussion, of millions, that perhaps the 24,000*l.* due from the property of Jellicoe may not appear of much consequence. Indeed, such talk about millions has had the effect of making even the right honourable gentleman on the other side (Mr. Pitt) forget his arithmetic, and confound 134 millions with 186 millions. But the case of Jellicoe appears to me, notwithstanding the comparatively smaller amount of the sum, to be peculiarly entitled to attention. It affords an opportunity of estimating the conduct of the commissioners of the treasury, who will be found, I am justified in believing, to have granted Lord Melville a release from this debt most improperly, and to have acted on very false grounds. This may be brought to light before the committee. Perhaps, also, evidence may be found by this committee to ascertain that important question, whether Lord Melville had any participation, and to what amount, of the profits resulting from the use which Trotter made of the public money? This is a most material point to establish, and if it be possible to get at the facts of this part of the subject, I have no doubt that the committee will be able to accomplish it. The principal cause of the suspicion impressed upon my mind, that Lord Melville did participate with Trotter in his illicit gains, arises, as I before mentioned, from the fond attachment with which the noble lord so long, and under the various changes of circumstances, clung to the office of treasurer of the navy; and it is remarkable, that not one of his friends has attempted to account for this attachment, or to remove the impression it is naturally calculated to produce. This omission must serve to strengthen the impression in the mind of any man, that the motive of such attachment was suspicious. Adam Smith observes, that 2 and 2 in the customs don't always make 4. Lord Melville, although so frequently heard in this house to complain of the great fatigue he had to encounter in the discharge of his official duty, and the quantity of business he had to perform, yet thought proper to add to the presidentship of the board of control, and treasurership of the navy, &c. that of minister of war. I am not now about to argue that the office of treasurer of the navy is unnecessary, although it appears that in that office Lord Melville had no business to perform. Then he found it inconvenient to accept the place of secretary of state, the salary of which he declined, retaining the salary of treasurer of the navy, although the salary of the one was as good as the other—the salary of each being 4000*l.* a year. It is

curious to think what could have been the reason of this preference. Perhaps he imagined the salary of the one to be fatter than that of the other—that the one was male and the other female—that the one would produce and the other would not. These are the circumstances which have urged me to suspect Lord Melville of a participation in the fraudulent profits of Trotter. But, whether he has been guilty of this participation or not, he stands convicted of the most odious thing imputed to him,—that of sanctioning the misapplication of the public money. This is the principal article of charge against him, and this charge he has acknowledged. After this acknowledgment from his own mouth, and the vote of the house upon it, it would be inconsistent with the dignity of the country to allow such a man as Lord Melville to remain in any office under the crown from which he can be removed. The removal of Lord Melville from an office of such high rank and honour as the presidency of the admiralty, is no doubt a great humiliation; but yet that is not sufficient to satisfy the ends of public justice, one hair's breadth beyond which I do not wish to proceed. When these ends are attained, the duty I have undertaken will have been discharged. But until then, I should not wish it to go forth that this house should even manifest a disposition to stop short. If punishment only were our object, it might perhaps be said, that Lord Melville has had enough of that in his degradation, and what his feelings must in consequence suffer. But it will be recollected that punishment is not our only object. Example is the great end we should have in view, and that end we shall not have reached until the criminal shall have suffered all the consequences that should justly attach to his crime. If Lord Melville should escape those consequences, we shall not have done our duty. Independently of the offices and emoluments held by Lord Melville, I understand, that since his last accession to administration, even within the last year, he has had 1500*l.* a year conferred on him for life, in addition to a patent office he holds in Scotland. This noble lord had, it seems, retired from public affairs, as it was said, for life. But the circumstances, not of the country, but of the peculiar wish and necessity of the right honourable gentleman on the other side (Mr. Pitt), drew the noble lord from his retirement, and he became a member of the administration formed by the right honourable gentleman. The noble lord was appointed to an office, the first in rank, power, and patronage, in the country, with the exception of that one only which

which is held by the right honourable gentleman (Mr. Pitt). But, yet that was not sufficient to content Lord Melville. No, he must be induced to accept it by the grant I have already alluded to of 1500*l.* a year for life. Previous to this addition, a grant was made to Lady Melville out of the public money. The merits of Lady Melville are quite out of the question. All this liberality must be considered as a compliment to the services and character of Lord Melville. But there is something very mysterious about this grant. It was made in a clandestine manner, in point of fact, under such circumstances, that there is good reason to believe, those who fixed their names to the grant were not aware of the nature of it. It was, indeed, one of those grants that, I fancy, it never was expected that any investigation would take place respecting it, or perhaps that it would be noticed. I have reason to entertain strong doubts that the grant of 1500*l.* a year, as an addition to Lord Melville's salary as lord privy seal of Scotland, is not valid. If revocable, it certainly ought to be revoked under the motion I mean to submit. This motion, which, under all the circumstances of the case, I have thought it my duty to bring forward, will, I trust, meet the approbation of the house. Gentlemen who honoured me with their support to the resolutions on the table, cannot consistently refuse to concur in this proposition, which is the natural result of those resolutions. Even many of the gentlemen who differed with me on a former evening, from a wish for farther inquiry, will, I hope, seeing that such decisive resolutions have been adopted, support the consistency of the house, by voting with me on this occasion, should the gentlemen on the other side press this question to a division.—The honourable member, after repeating the opinion that he had good grounds for believing that a decisive majority concurred with him as to the necessity of this measure, concluded with moving, that an humble address should be presented to his majesty, praying that he would be graciously pleased to dismiss Lord Melville from all offices held by him during pleasure, and also from his councils and presence for ever.

The question being put,

Mr. Canning rose, and spoke to the following purport. However strongly the hon. gentleman who has just sat down has expressed his desire that the house should on this occasion attend merely to the call of impartial justice, and however desirous he may have been of disclaiming any other motives for the course he has pursued, than what proceeded from a wish to establish an example, such as may effectually prevent the

recurrence of the like mischiefs and irregularities in future; I cannot help thinking, and I am pretty confident that many of those who have heard the hon. gentleman's speech are of the same opinion, that, notwithstanding his professions of moderation, he has introduced such topics and spoken in such a tone, as prove him to have been actuated by something more than the motives alleged, and indicate something much more bitter than appears to be warranted by the nature of the case under consideration. Gracious God! what measure of justice would the hon. gentleman deal out in this case? What is his object? In the interval that has elapsed since the house last separated, Lord Melville has, in deference to the decision of this house, thought proper to resign the high office which he held in his majesty's councils, and yet this ready compliance with your vote is stated by the hon. gentleman as an article of aggravation in the charges against the noble lord. The hon. gentleman has made that act of the noble lord a ground of accusation against him, and seems to have considered his deference to the authority of the house in the light of a subterfuge to evade or disappoint justice. What would have been the feelings and the animadversions of the hon. gentleman, what his expressions of indignation and resentment, if the house had met this day, Lord Melville, instead of bowing to its decision, still continuing to hold the office of first lord of the admiralty? (*A cry of hear! hear! from the opposition benches.*) Would he not have made that the ground of further and increased invective? (*Still a loud cry of hear!*) I take for granted, from the symptoms on the other side of the house, that the gentlemen there assent to these assertions; they would have considered Lord Melville's continuance in office as an aggravation of his guilt; and yet they now condemn him for his prompt acquiescence in their wish. What course then is Lord Melville to pursue to avoid their wrath, if what he has done, according to the notification of my right hon. friend, be made the ground of invective against him? and is this to be taken as a specimen of the fairness of the motives upon which gentlemen boast of acting, and of their impartiality in acting upon them?

Sir, the honourable gentleman has applied to me for information whether I have dismissed Mr. Trotter from the employment which he held under me in the navy pay office? I have told him that I have done so. After the decision of the house on Monday night, I could not have a moment's hesitation. Some gentlemen thought proper on a former evening to animadvert in terms of severity on my having retained

retained Mr. Trotter in office, after the accusations, relative to which the house have decided, had been published against him. But of my conduct in that instance, I trust every candid man will approve. Mr. Trotter I considered on his trial, and whatever my own opinion might have been of the nature of the charge against him, and the degree of his guilt, it struck me that it would be extremely unfair to prejudice the public mind against his case, by dismissing him under such circumstances. He stood in such a situation that I could not feel it consistent with public justice, to fix a seal of infamy upon the man by dismissing him while his trial was pending. But the moment the sense of this house was known, when I no longer could prejudice a man whose guilt, till declared by a competent tribunal, I should have felt it unfair to prejudge by any act of mine, I removed Mr. Trotter; and my reasons for not removing him before that sense was known, will, I have no doubt, be deemed satisfactory by every dispassionate mind.—Nay, I have little doubt that although a learned gentleman (Mr. Ponsonby) remarked with such severity on my conduct on a former evening, that hon. gentleman himself will, upon a little reflection, if he possess the mind and feelings of a British lawyer, be ready to confess that he was wrong, and that to have taken a different course from that which I have pursued would have been unfair, tyrannical, and oppressive.

With regard to Mr. Wilson, who holds a secondary station in the navy pay office—to him I do not conceive that any imputation attaches, that would warrant me in acting towards him in the manner which the hon. gentleman desires. On the contrary, I consider Mr. Wilson to be one of the most industrious and deserving servants of the public. But, says the hon. gentleman, Mr. Wilson is reported by the commissioners as having given a reluctant testimony; as having refused to answer questions, lest they should tend to criminate himself. Sir, the conduct of Mr. Wilson before the commissioners of naval inquiry has been thus explained to me; and not to me only, but, if I am not much misinformed, to the naval commissioners themselves [I speak in the presence of one of them (Sir C. Pole), who will correct me if I am wrong], though they have not thought fit to report that part of Mr. Wilson's evidence. Mr. Wilson acted occasionally, in the absence of the paymaster, and used to sign drafts in the usual form on the bank, for the money wanted for the office. If there was any legal guilt in the manner of executing this part of the duty of the paymaster, and that there was legal guilt in

in it must not now be doubted, since the house has so decided, Mr. Wilson, so far as he acted in this respect for the principal, participated in that legal guilt, and was liable, or thought himself liable, to whatever might be the legal consequences of it. That he had ever acted with a view to private emolument, has not been supposed or charged against him. His evidence upon oath expressly denies that imputation. The share which he had had, as substitute for another, in a practice pronounced illegal, Mr. Wilson naturally supposed would implicate him in the penalties applicable to the illegality of the transaction, and on that ground alone he declined to answer the interrogatories of the commissioners. But although the charge of legal guilt might attach to this man, I believe that he is perfectly free from any imputation on the score of morality. Still, though I entertain this opinion of Mr. Wilson, if this house pronounced a different opinion, I should bow to its authority, and remove him from office. But no such opinion has been declared, and I think him not at all fairly implicated in the guilt attributed to the transaction which led to this discussion. Why then should I comply with the wish expressed by the hon. gentleman? or with what justice could I sacrifice a man whom I conscientiously believe to be innocent, to suspicion, or to clamour; unless some new evidence should arise, or some competent tribunal should pronounce Mr. Wilson guilty? I have not, I cannot have, any personal partiality for Mr. Wilson, whom I know only as a clerk in my office: but I will mete out a different measure of justice to this or any other man whom circumstances may place in my power to what the hon. gentleman seems disposed to shew to Lord Melville.

But to return to the question; the hon. gentleman has now renewed all the unfairness, and apparently forgotten and thrown aside all the fairness and moderation, of which he thought it necessary to assume the semblance at least in the last debate. He has resorted to every means of aggravating his charge: he has collected every circumstance that could tend to give an unfavourable impression against the object of his accusation, and has even construed the act which was a mark of the noble lord's deference to the house, and of his humiliation, into an aggravation of his criminality. The hon. gentleman at one time calls particular parts of the tenth report dark and doubtful, which at another time he assumes to furnish clear and glaring evidence to aggravate the guilt of Lord Melville. And he has travelled not only out of the charge itself, but out of the report, into the whole range of party politics, into the

the history of every action of Lord Melville's political life, to collect topics, which have no natural relation to the subject properly before the house, and all calculated obviously to inflame the passions upon a charge which its advocates term an appeal to justice.

The honourable gentleman tells you that the motion this night is nothing more than a confirmation of the vote of the former night. But the vote of the former night, as amended, only declared that the noble lord had violated the law, but it did not charge him with having done so for private emolument. You have indeed recorded your opinion that Lord Melville has been guilty of a violation of the act of parliament, in consequence of which certain advantages have resulted to another person. But you have not said that the noble lord has had any participation of such advantages, nor does any thing appear to justify such an inference. I trust, therefore, that when the hon. gentleman so triumphantly declares his conviction that the house cannot act inconsistently with itself; that it will not disappoint the just expectation of the country; I trust, sir, he will not find himself mistaken. The house will follow up the vote of last night with consistency—that is, in the same sense and spirit in which that vote was given. The house will not disappoint the opinion which the country has conceived of its justice, temper, and wisdom, by first voting a man guilty of a lesser offence (I do not mean to vindicate Lord Melville, or extenuate the infraction of the law for which you have held him responsible; but an offence merely legal is less in the eyes of every man than the gross moral guilt which the hon. gentleman would now impute to him, and which he would fain persuade you, contrary to your own knowledge and recollection, you meant to impute to him yourselves), and then turning round and apportioning the punishment, not to the crime of which it has found Lord Melville guilty, but to all the foul aspersions and aggravated charges which the hon. gentleman has in this stage of the business thought it decent to heap upon him; to which charges the house is no party; and which it not only did not sanction by its vote of the last night, but upon deliberation refused to agree to even an ambiguous and doubtful affirmation of them.

The hon. gentleman has disclaimed any other motive for his motion this night but a view to public justice. What has been already done towards that end? Is the state of humiliation to which the noble lord has been reduced nothing? Is such an end to such a political life nothing? Has not the noble lord already

already suffered quite enough to disarm any set of men not actuated by the most rancorous feeling of party enmity? And against whom is this enmity directed? Against one who never was himself suspected of deserving the character of a bitter political antagonist. [*A cry of hear! hear! from the ministerial benches.*] In any of the public situations which Lord Melville has occupied, I would challenge any man to produce an instance where party prejudice has been found to obstruct, or delay, or influence the promotion of merit, whether political or military.

Sir, the hon. gentleman has congratulated his country on the extraordinary public virtue which has been manifested on this occasion. If he means the virtue displayed by the house of commons, I cordially agree with him. Whatever I may have presumed to think of the vote of Monday night, as hasty or premature, no man more heartily than I subscribes to the purity and integrity of the motives which dictated it. If the hon. gentleman means to compliment himself on the part which he has taken, on the part which he this night takes, in urging the house to a rigour beyond the measure of justice, and, I venture to affirm, beyond the measure of its own feelings of what is right; I am far from presuming to deny his claim to that credit, for an exertion of virtue beyond the ordinary rate of most men's capacity, and beyond the usual practice of the country and the times in which we live. The hon. gentleman must have gone far back into the times of ancient Greece and Rome to find models of that sort of virtue. There he will have found, no doubt, that when a great political delinquent was to be brought to justice, and an appeal made to the people to aggravate the severity of punishment, the accuser was not generally found among those who had received any injury from the accused; but among those whom he had served. And, sir, when I look back to the proceedings of this house in the year 1795, when I recollect the serious charges which were then brought forward against two most eminent commanders, now members of the other house of parliament (and for their services well entitled to that distinction); when I recollect that in the debates which arose upon those charges, their most active defender, their most indefatigable advocate, was that very noble lord who now is made the theme of the hon. gentleman's violence and invective; and when I see that noble lord, now no longer a minister, already pulled down from the high eminence on which he stood, and prostrate at the feet of the house of commons,

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no longer formidable from power or dangerous from influence; when I see him now, after his political existence has ceased, after the crimes of his political nature (be they what they may) have been severely visited upon him; when I see him now in this defenceless state persecuted and hunted down,—and by whom? by the friends of Sir John Jervis and the kindred of Sir Charles Grey—I cannot, sir, refuse to the hon. gentleman the praise of Spartan inflexibility, of more than Roman virtue: but while humbly and at a distance I admire the exertion of these high qualities in him, I pray to Almighty God to spare me the pain of being ever called upon to imitate his example!

Mr. Grey—The right hon. gentleman accuses me for the warmth I have displayed respecting this business, and in answer to this accusation it is only necessary to say, that I am quite unconscious of any such bitterness, and it would, I think, be rather difficult for the right hon. gentleman to shew in what way it has been evinced. He chooses to congratulate me and my hon. friend near me (Mr. Whitbread) on our more than Spartan virtue in voting against the noble lord, who, as he alleges, was the champion of those who are dear to us by the ties of blood or the connexions of friendship. He tells us that the battle which the noble lord fought for these relations was disinterested, and he admires the return we have made for these magnanimous exertions. This, sir, is a strange kind of language, but it will be proper for me to call the attention of the house to the circumstances to which the right hon. gentleman has alluded. It is sufficiently in the recollection of the house that these noble lords being in the service of government, received only bare justice from the ministers of the day. It will be recollected that among the few instances of military glory which distinguished the late war, the two noble lords, triumphing over difficulties of a very formidable nature, had eminently distinguished themselves. On their return to this country from the West Indies, some dissatisfaction arose, and an inquiry was proposed by some members of this house. What was the conduct of these noble persons on that occasion? Did they fly from justice? Did they wish to elude inquiry, or did they discover any anxiety to conceal their conduct behind any mean or dishonourable subterfuge? On the contrary, did they not court inquiry? Did they not call for the fullest investigation of any part of their conduct, and appeal to the fair decision of the house? The right hon. gentleman has spoken as if these noble persons re-

ceived favours from the noble lord who appeared in their defence; but I utterly disclaim the existence of any such favours. The noble lord defended them because they had served with credit and honour those by whom they were employed. This sort of justice was due not merely to their particular merits, but it was due to the country whose interests they had promoted. Will the right hon. gentleman opposite, who, on the occasion when the motion for an inquiry was brought forward, moved the amendment, say, that he did not seriously believe that the charge was unfounded—will he say that he was not convinced that their conduct, so far from being liable to censure, was entitled to the highest approbation and gratitude? Am I then to be told that the noble lord who appeared in defence of the noble lords was conferring a favour on them, or any of those with whom they were connected? Am I to hold myself under obligations to the noble lord for a defence of those gallant officers, whom he himself had employed, and who had signalized themselves in the public service? The right hon. gentleman, however, takes some merit to the noble lord for employing those who were known not to be in all cases favourable to the administration of that period. Without dwelling on this point, or ascertaining how far the noble lords at that time differed from ministers, it is sufficient for me to say, that to employ naval and military men of all different parties, is no proof of the moderation of ministers. They are compelled, whether they will or not, to employ the services of those who are distinguished by their talents or their experience, and the minister who would act otherwise would soon find that he could not long persevere in arrangements utterly repugnant both to the feelings of this house and the country. It is hardly possible to conceive ministers guilty of a greater crime than refusing the services of persons of known talents, and to whose employment the only existing objection is some differences of political opinion. But the right hon. gentleman has represented the defence of these noble persons as a work of great difficulty. It is of consequence to see, then, how the case really stands. Why, sir, as nearly as I can recollect, though I do not remember what was the majority, only sixteen members, that is the odd numbers on the division of Monday, could be found to support that charge now represented as so formidable. The case was one of the plainest and least intricate that can be supposed, and, therefore, the noble lord's defence was, in point of difficulty, trifling, and, in point of justice, the noble lords had a right to expect it from those

those who employed them. I have been obliged to say so much on this topic, for, after what fell from the right hon. gentleman, it was quite impossible for me to have remained silent. Indeed, the right hon. gentleman's allusion to this business was equally ill-judged and impolitic. It was calculated to excite unpleasant feelings, without at all advancing that cause which he affected to support. The right hon. gentleman has alluded to the warmth with which the noble lord has been attacked; but, really, I am at a loss to discover where the least evidence of it has been exhibited. I have felt no personal warmth or vindictive spirit on the subject, and I am sure no part of the conduct of my hon. friend has betrayed any appearance of a rancorous spirit. I have supported my hon. friend from a sense of duty, and I only regret that I have been prevented from taking that share in the discussion which I could have wished. The right hon. gentleman talks of rancour, of which no trace has appeared; but though there has been no rancour, it was impossible not to feel strong indignation when instances of strong delinquency were discovered. My hon. friend urged these delinquencies, with that force which was peculiar to himself; but he never resorted to asperity of observation. He wished only the ends of justice to be fulfilled; but when this object is accomplished, I am sure that my hon. friend will never think for a moment of vindictive measures of punishment. It is with a view to have these ends of justice satisfied that the motion of my hon. friend has this evening been brought forward; but he has declared that if a satisfactory assurance is given that Lord Melville has closed his political life, he has no wish to press the motion at the present moment. This surely is no evidence of rancour, of which the right hon. gentleman speaks so loudly in his speech. As to the necessity of the motion I have no sort of hesitation in saying, that unless something is added to the resolutions of Monday night, they are left incomplete. After saying that the noble lord has been guilty of a gross violation of an act of parliament, and a high breach of his duty, we shall not discharge our duty to the country without following up such resolutions by some corresponding measures. Without some others it is almost a nullity to suffer the resolutions of Monday to remain on the journals of the house. My hon. friend has said, and has said with truth, that the notification of the resignation of the noble lord by the right hon. gentleman is far from satisfying either the house or the country. The re-

signation of the noble lord; at another period, might have been very proper, but under the present circumstances of the country, his mere resignation of his situation as first lord of the admiralty is far from coming up to the spirit of those resolutions which will afford such general satisfaction in every part of the empire. Lord Melville's resignation after the resolutions of Monday was altogether a matter of course. Neither he nor any other man dared to have continued in power after the opinion of this house was so solemnly and so beneficially expressed. The resignation has taken place; but what security have we obtained that he may not, in a very short time, be recalled to a very confidential situation under the crown? The house will bear in mind that the noble lord still continues a privy counsellor, and one part of my hon. friend's motion is, that he be dismissed, not only from his majesty's councils, but from his presence for ever. It is not at the same time to be forgotten that the noble lord at this time is actually in possession of several lucrative offices held during pleasure; and I do not think that, after the resolutions we have passed, his removal from these would be at all carrying punishment to an improper length. After the declarations we have made, can we take any precautions too strong to insure the object which the majority of the house professed to have in view? The right hon. gentleman rests a great deal on delicacy, as an argument for resisting my hon. friend's motion. I, sir, am a friend to delicacy, where it can be exercised consistently with justice; but I can never accede to a proposition for screening convicted guilt from adequate punishment, by any scruples which false delicacy would impose. With a wish then that our resolutions should not be evaded, but carried into the fullest effect, I should certainly be desirous of seeing my hon. friend's motion adopted, as at once the most consistent with our honour, most agreeable to the calls of justice, most consonant to the expectations of the country. I shall say only a few words on some other topics which the right hon. gentleman has thought fit to introduce into his speech. The right hon. gentleman has spoken of the arbitrary and despotic doctrines brought forward by my hon. and learned friend behind me (Mr. George Ponsonby); but as my hon. and learned friend is himself so competent, it is not necessary for me to trouble you with many observations. But I may just be permitted to ask, whether there be any thing extraordinary or inconsistent with justice, any thing inconsistent with the character of a British lawyer, any thing at all tyrannical or des-
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potic, in having a person accused of a most aggravated crime secured previous to his trial? Could this be called a prejudging of the cause? As well might we be accused of prejudging a criminal, because we found it necessary to shut him up in a prison previous to the proofs of his guilt being fully or fairly considered. Here, however, we were talking of a person not accused, but found guilty. I put it to the house, whether, after the circumstances of Trotter's conduct were known, it was at all decent to employ him in a situation which he had previously employed to the most improper purposes. If Trotter was not dismissed, he ought surely to have been suspended from his office, till the inquiry in this house was closed. The right hon. gentleman has advanced nothing to shew that it was not his duty to have followed this course. His whole speech, indeed, was nothing but idle rant and fury, containing nothing addressed to the reason of the house, nothing which affords the least proof that the motion of my hon. friend should not be adopted, as the natural consequence of the previous resolutions. Conceiving, then, this to be the case, I shall support the motion as called for by every principle of honour, every demand of justice, and every feeling of regard for our character.

Mr. George Ponsonby—After being so pointedly and personally alluded to by the right hon. gentleman, I hope I shall be favoured with the attention of the house for a few moments. Since first I had the honour of a seat in this house, I will not attempt to deny that it has ever been my ardent wish to stand high in the esteem of all the members of whom it is composed. After the vote of Monday, however, a vote so honourable to the character of this assembly, a vote which has exalted its character among all orders in the state who value independence and worth, I confess, that to stand well in your opinion has become a matter of the utmost anxiety. The right hon. gentleman has chosen to say, that if I had been a British lawyer I never could possibly have brought forward those tyrannical, despotic, and oppressive doctrines which he supposes me to have delivered. Of having uttered any such language as could convey the idea of arbitrary principles or practices, I am utterly unconscious. I was followed by a right hon. gentleman who is unquestionably one of the most sound and constitutional lawyers, and a judge in one of the highest courts in the kingdom, and it is rather remarkable that he took not the least notice of these supposed arbitrary doctrines, though he did me the honour to allude to several parts of my speech.

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If such doctrines had been contained in what I then advanced, it is next to impossible that they should have escaped the observation of his penetrating and comprehensive mind. If I did lay down arbitrary doctrines, they are the same doctrines which many of the most eminent lawyers that this country ever saw have not scrupled to avow. The hon. gentleman, however, tells me that if I were a British lawyer, I could not possibly avow the principles he imputes to me. I am not ashamed at any time, sir, or under any circumstances, of my country, and I hope I shall never be guilty of an action which will give my country cause to be ashamed of me. As, however, the right hon. gentleman rests so much on my not being a British lawyer, I beg leave to inform him, that I have as much British blood flowing in my veins as the right hon. gentleman can boast of in his. I cannot boast of having arrived at so early a period of life as the right hon. gentleman at the honours and rewards which the right hon. gentleman now enjoys. What I have earned of honours and rewards have been the result of long labours and painful exertion; but this I can safely assure the house, that never till now have I been accused of being an arbitrary or unconstitutional lawyer. I said, sir, alluding to the case of Mr. Trotter, that circumstances had been disclosed which shewed that he ought not to have been employed in the office of paymaster of the navy, and I am still of the same opinion. But on what principle is it that the right hon. gentleman accuses this declaration as inconsistent with the principles of justice? What are these principles? they are plainly these:—that Mr. Trotter had, by his own evidence, proved his guilt; and that the testimony of his friend and patron, Lord Melville, instead of weakening, strengthened this opinion. I ask, then, after such evidence was given before the commissioners, if it would have been at all extraordinary or unjust to have suspended Mr. Trotter till his innocence or guilt was fully ascertained? I say, in such a suspension there was no prejudice. There was, on the contrary, that strict regard to the proper application of the public money, with which the employment of a person even suspected of malversation does not appear to me to be very consistent. If the hon. member had acted in this way I am fully sensible that neither the house nor the country would have blamed him for his arbitrary or despotic proceedings. I entertain a sincere respect for the right hon. gentleman's talents. Indeed it is not conceivable that without great talents he should, at so early a period of life, have risen to that elevation

elevation in the state in which he is now placed. With all my respect for his abilities, however, I must insist that when he next honours my observations with his notice, he will take a little pains to state accurately what I say, for I protest, with all my esteem for his talents, I should not relish the idea of his making speeches for me. Having said this with respect to the arbitrary doctrines of which he accuses me, I shall, before I sit down, say a few words on the general question before the house. My hon. friend seems to me to have framed his motion on the most consistent principles. He very properly says, that though the right hon. gentleman opposite (Mr. Pitt) has intimated to us the resignation of Lord Melville's situation of first lord of the admiralty, he has not told us, what is much more important, what is much more intimately connected with the resolutions of Monday night, that Lord Melville has closed his political life; that he is never more to have any share in the administration of the affairs of this great empire. We all know what are the connections of the noble lord, how far extended are the resources of his influence. None of us are ignorant how intimately he possesses the confidence of the ministers of the crown, and how anxious they would, at any time, be to receive his advice and support. We have, independent of a motion similar to that of my hon. friend, no security against his return to power, a thing totally inconsistent with the resolutions of Monday, and which would render them mere waste paper on the journals. But even admitting that Lord Melville did nominally retire, let it be kept in mind that he still continues a privy counsellor, as my hon. friend below me (Mr. Grey) has already very properly remarked. While the connection of the noble lord with the administration of the country continue such as it now is, I profess that I am not satisfied that we have gained what our grand struggle of Monday so justly entitled us to expect. Let me suppose that this intimacy continues, and that the minister employs his influence to misrepresent and vilify the decisions of this house. Let me suppose that the press is hired into the service, and that the public are told, in publication after publication, by the friends and creatures of ministers, that Lord Melville has been run down by a desperate faction in this house—that he has been condemned unheard—that he offered to call evidence to prove the falsity of the accusations against him, but was refused—that, in short, he is a much persecuted, and much injured man. Let me suppose that, by these delusions, the strong sentiments of honourable indignation which

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now actuate the public mind are a good deal deadened, and that the minister, availing himself of these favourable changes, should, during the recess of parliament, venture on the daring measure of once more recommending Lord Melville to the service of his sovereign, and that his majesty, fatally yielding to this recommendation, should once more receive him into his councils. Let me suppose this, which is not by any means an impossible case, and what then is to become of all our resolutions, of all our efforts to stem the growth of corruption, of all our exertions to bring peculators, however elevated their rank, or extensive their influence, to an ignominious punishment? It is to guard equally against this and any similar case that I am inclined to support the motion of my hon. friend. The right hon. gentleman strongly recommends to us the propriety of leniency in our proceedings; I am no enemy to leniency when properly exerted, and I have no wish that the noble lord should be treated with unnecessary severity; but, before I can be lenient, I must know that the cause of public justice is secure. I must be satisfied that the noble lord shall not again have it in his power to have any weight in our national councils. I wish to have the public money placed safely beyond the reach of the corrupt and profligate. I am willing to shew as much tenderness as possible to the noble lord, though I confess I never had the honour to exchange one word with him in the whole course of my life; but I shall be a party in lenity to no man till I have provided against speculation among great public men. I am clear, sir, for making every public delinquent refund what he has unjustly obtained out of the public purse, and I shall certainly support my hon. friend in all his motions for carrying through this glorious work of reform. While I shall support the motions for calling Lord Melville and Mr. Trotter to a strict account, I shall be equally a friend to any investigation of the control exercised by the treasury over the inferior offices. It is the duty of the treasury to see that negligence and waste does not exist in the inferior departments. I do not impute corrupt practices to the right hon. gentleman at the head of the treasury, for I do not like to impute corruption to any one without strong evidence; but I do see from the report, that the superintendence of the treasury has, in many instances, been criminally relaxed. The rank of the commissioners is not to screen them from inquiry; and I trust the future proceedings of the house will fully prove the truth of this opinion. Though I am a representative for another part of the kingdom,

kingdom, I shall feel no hesitation in saying that I consider myself as much a representative for Great Britain as for Ireland, and on all occasions shall endeavour to act on this liberal principle. If the motion is persisted in, it certainly shall have my cordial vote.

Mr. Canning explained, and stated that Lord Melville was as effectually excluded from his majesty's councils, by what had already taken place, as he could be by any resolution of the house to that effect.

Mr. S. Thornton (a bank director) complained that the bank had been implicated in this business, and even he himself, though without any reasonable foundation. This, he stated, had arisen from an inaccuracy in the statement of the report relative to the evidence respecting the mode of deliveries at the bank. The money, he said, was never drawn at the bank without the sums having been particularly specified, and these drafts were never answered unless brought by particular persons who were known at the bank to be duly authorized by the paymaster. Of these, he said, there were six, of whom the deputy paymaster was one; and had any other person offered a draft, the bank most certainly would not have given it. He had voted, he said, in favour of the resolutions, because he thought it his duty—because the noble lord, in his opinion, had committed abuses; but he was unwilling to go farther till he should obtain more evidence than the house had yet before them of the motives from which that noble lord had acted. That his lordship had permitted the commission of abuses he was ready to admit, and had voted accordingly, but that his conduct had proceeded from corrupt motives, he thought remained yet to be proved; and notwithstanding, therefore, the vote he had given on Monday night, he could by no means go along with the hon. gentleman in his motion of the present night. He could not help recollecting how long the noble lord had been an able and active servant of the public. From this recollection, he had given his former vote with regret; and, from the same circumstance, could not be induced to go farther, unless from the most positive evidence of the corrupt intention of the noble lord, which evidence was not at present of such a nature as to justify any farther proceedings.

Mr. Barham was of opinion that the allusion made by the right hon. gentleman (*Mr. Canning*) to the two honourable persons whose naval and military conduct had been the subject of inquiry in that house the beginning of last war, was very injudicious, and could serve no useful purpose. The part

which he himself had taken in that discussion he had been prompted to by what he had at that time conceived to be a sense of duty, however painful he had felt the task. The two noble lords, however, had been amply acquitted by a vote of the house, and had since justified the good opinion of the public. In regard to the question now before the house, he thought this step moved by the hon. gentleman absolutely necessary to carry into effect the resolutions formerly voted. It was by such a measure only they could tell his majesty that such persons were improper to hold any office of trust or confidence. This opinion, he maintained, originated in no motives of personal animosity to the noble lord. Hardly any, he believed, had fewer enemies than that noble lord, and far should he be from supporting any measure that he thought had its origin in the smallest degree from a rancorous or persecuting spirit. On the contrary, this, he maintained, was a measure of justice, and essential to the honour and dignity of the house. He hoped, therefore, the motion would be persisted in.

Mr. Banks disavowed any political connexions that could warp his judgment on any great question of justice or policy. The vote he had given on Monday night had been purely disinterested, and had not arisen from the influence of any party. He disapproved of the abuses that had taken place, and had voted accordingly. He would take the liberty, however, though unconnected with any party, to recommend to the honourable gentleman not to persist in his present motion. Was the hon. gentleman certain that the circumstances of the case, taken in the whole, would warrant such a measure? At any rate, he thought it extremely ill-timed; and the same sense of duty that had prompted him to vote with the hon. gentleman on Monday night would also induce him to resist the present motion. The design of the adjournment on the former night, was avowedly to decline any measure on the part of the house till they should see if his majesty would, from the suggestions of his own royal breast, take any step that might supersede the necessity of any further operations on the part of the house. The result had been favourable to the wishes of the house, and had rendered, in his opinion, this measure unnecessary. But why, he asked, such eagerness to follow up the blow that had been already given? for this, he understood, was but a part of the measures that were intended to be adopted, and that other inquiries were also to be instituted. He should be told that it was to prevent the noble lord from ever again returning to his
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majesty's councils ; but there was no probability, in his opinion, that he would again be restored. Indeed, he said, it might not be impossible but farther inquiries might lead to discoveries that might render an impeachment necessary. He did not by any means say that such would be the effect of farther inquiry, but that such might be the effect was not impossible. Should such, however, be the effect, it would then be time enough to have recourse to such measures, for at present he deemed them premature. It had been said that the resolutions of the former night would prove ineffectual, would be attended with no material advantage, unless followed up by a measure of the description of that proposed by the hon. gentleman ; but it was generally understood that night, he contended, when those resolutions passed, that no farther measures were to be adopted. Had this motion immediately followed the resolutions, it might have been considered as a necessary corollary to those resolutions, and might, as such, have met his support ; but the necessity of the measure no longer existed. The step proposed to the house was besides contrary to all the precedents with which he was acquainted. So far as his knowledge or experience extended, it never had been the usage of the house to address his majesty against persons out of office. Such was the case in respect to Sir Robert Walpole, Lord Ranelagh, and others whom the hon. gentleman mentioned, against whom no address of removal had been presented to his majesty, though previously perhaps in the contemplation of parliament, when no longer in office. Indeed the very idea was sufficiently absurd, because it was not possible to remove from office those who were in no office. At all events, if the matter was to undergo a full discussion, as intimated by the hon. gentleman, he would much rather delay any farther proceedings till the result of those inquiries should be ascertained. When the house should have the whole before them, they could then more justly estimate the degree of odium that was to be attached to a conduct which, though irregular, and in violation of an act of parliament, might yet admit of many circumstances of mitigation. In such a discovery he declared he would have much more pleasure than he experienced before in the vote he gave in favour of the resolutions.

Mr. Windham remarked on the inconsistency of the honourable gentleman who had just sat down, who allowed the motion to be a corollary from the resolutions, but refused to vote for it. The resignation of the noble lord was no argument

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against the motion, since mere resignation was not nearly so extensive as the corollary itself. He himself had voted for the resolutions, because he believed the whole case was before the house. No future investigation could falsify the resolutions, because they rested on evidence which even the noble lord himself admitted. He thought that no time was to be lost in following up what was the resolutions, embodied in an act against an individual who had given a shock to opinion, and had brought himself into a situation too unpleasant to be enlarged on. The public were elated at what had taken place. They had confidence in the house that the victory would be followed up, and it was not proper that they should be disappointed. If the motion came to a vote, he felt himself compelled to support it; but if the right honourable gentleman (Mr. Pitt) would give a pledge that the noble lord should not be restored to any place of trust, he should not oppose withdrawing the motion.

The Chancellor of the Exchequer—As the right honourable gentleman has thus required some specific explanation, and it appears to be the wish of several other gentlemen that I should give some pledge on the subject of the noble lord's return to power, I rise to say a very few words, solely for the purpose of explanation, and not with the view of at all arguing the question. What I now say, I take it for granted then, will not preclude me from again addressing the house, if the debate should be continued. It is my wish that the noble lord should be treated as far as possible with the feelings of liberality, and if such a pledge as that which the right honourable gentleman who has just sat down alluded to could prevent the necessity of persisting in the motion, I am sure that every legitimate object would be accomplished. I have no hesitation at all, accordingly, in saying that all idea of the noble lord's return to power is completely annihilated, and that no danger whatever need be apprehended from this quarter. When I make this frank declaration, I only wish it to be understood that this is not to be considered as continuing in force in case the resolutions of Monday should, on future inquiry, be found to have been premature, and should accordingly be erased from the journals of the house. In any other case but this, I think it is absolutely impossible that any minister should ever think of recommending the noble lord to a share in his majesty's councils. After this declaration, I do think that the motion of the honourable gentleman might be dispensed with, without at all losing sight of the object he professes to have

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in view. The house are now agreed as to the general principle, and they only differ as to the mode in which that principle is to be reduced to practice. I think the explanation I have now given is sufficient to remove all that apprehension on which the honourable gentleman grounds his motion, and surely it would be but an act of common liberality to the noble lord and his numerous friends to proceed in the way, most agreeable to temperance and moderation. I trust, therefore, the honourable gentleman will not persist in pressing the house to a division on his motion.

Mr. Fox began by adverting to the manner in which the motion had been spoken of by the honourable gentleman (Mr. Banks) on the same bench. The honourable gentleman allowed the present motion was a corollary from the resolution of Monday, and declared that if it had been put from the chair immediately after the other resolutions were passed, he must in consistency have given it his support. He wished to know why he might not equally vote for the motion now, since whatever argument existed for the motion at that time, remained now in full force? The only reason which induced a postponement of the motion then was the lateness of the hour, and that was the only consideration which induced him to recommend to his honourable friend not to submit his motion till the next meeting of the house. He had frequently seen and complained of the inconvenience of hurrying through important motions at a very late hour, and as some debate was naturally to be expected on so interesting a subject, he was anxious that every gentleman should have an opportunity of delivering his sentiments. He had said, that among other advantages which would attend the delay, would be that of giving the ministry an opportunity of properly performing their duty; but he never even hinted that the identical motion which his honourable friend now submitted to the house would not be brought forward. If the support of the honourable gentleman to the motion was, therefore, now lost, it was entirely lost because his honourable friend and himself had proceeded on a pledge that the motion would be adopted as an obvious corollary from the resolutions, and that, viewing it in this light, they had yielded to the *argumentum ad verecundiam*. After these introductory observations, Mr. Fox proceeded:—The right honourable gentleman who spoke second in the debate, has delivered himself in a manner so extraordinary and injudicious, that it is really hardly worth while to take notice of his observations. The resolutions of the house on Monday night

night seem so completely to have irritated the right honourable gentleman, and so fully to have overpowered his mind, that he has this evening taken an opportunity of throwing forth his indignation without providing himself with any grounds on which to exercise it. He has chosen to attack, without the slightest appearance of truth, my learned and honourable friend (Mr. G. Ponsonby) as the author of arbitrary and despotic doctrines, and on this I shall not long detain the house after what my learned and honourable friend has said, in so satisfactory a manner. The right honourable gentleman accuses my honourable and learned friend of arbitrary doctrines, because he says that a person proved by evidence to have been guilty of a most corrupt use of the public money, should at least be suspended from his office till the charges against him be fully investigated. Now all that I have to say on this is simply, that if such doctrine be arbitrary, the most eminent lawyers in the kingdom have never been backward to promulgate it. It is a doctrine universally acknowledged and acted on in all the relations of life. When we hear or read of a servant or a steward suspected of peculation or any other breach of trust, and not merely suspected, but actually confessing guilt, we of course order them to quit the office where the grounds of suspicion arose, conceiving that persons so situated are utterly unworthy of trust. But perhaps the right honourable gentleman meant to take up the business of the tenth report, and was therefore unwilling to incur the charge of prejudice by the dismissal of Mr. Trotter before the trial took place. Under what circumstances is it that the right honourable gentleman determines to retain Mr. Trotter in the important office of paymaster of the navy? He had heard that before the commissioners he refused in some cases to answer questions at all, and in others had given equivocating replies. He had heard that he not only refused to answer questions to which, supposing him innocent, the reply was quite obvious, but he had known Trotter to have used every effort to retard the investigation of the commissioners, and after all this previous knowledge, the right honourable gentleman retains him in his employment as paymaster. What, then, is the reason for this most extraordinary conduct? It is, sir, that Trotter's case was *sub judice*, and the right honourable gentleman does not wish to prejudge him on his trial. The right honourable gentleman has this evening declared that Trotter is dismissed, when he is as much *sub judice* as he has been at any period since the commissioners finished their examination.

amination. Trotter has not been formally condemned by the house, for we have found him guilty only collaterally, our resolutions on Monday evening being exclusively directed against Lord Melville. Perhaps the right honourable gentleman was alarmed by the impression made by our proceedings, and they were well calculated to make an impression on persons like the right honourable gentleman, and, by a sudden impulse of feeling, thought it most prudent to discharge Trotter without further delay. I cannot impute this decision to any other principle, for all the reasons that operated for retaining Trotter for several months back still continue in force. The next feature in the very extraordinary speech of the right honourable gentleman were the arguments he used for the lenient application of our resolutions against Lord Melville, and the circumstances on which this lenity is to be founded. Perhaps, in what I am now about to say, the right honourable gentleman may think me bitter and rancorous, but, in spite of this, I feel myself called on to say, that I shall never sit in this house and patiently hear these extravagant panegyrics on Lord Melville's public conduct. I am at a loss where to find what are the circumstances which are to incline us so powerfully to mercy. What particular claims does he possess to induce the house to pass over his aggravated offence with a comparatively trifling punishment? Is this motive to lenity to be found in the eagerness which his lordship has ever shewn to heap up emoluments, and to systematize corruption? Is it in the gift of the chamberlainship of Fife granted to his wife, with arrears to a vast amount, procured under false pretences? Is it in procuring a year ago fifteen hundred a year in addition, not to the salary of first lord of the admiralty, for I know that is very inadequately paid, but in addition to his salary as lord privy seal of Scotland? But, sir, the right honourable gentleman lays a great deal of stress on his discovering no political or party partialities in the appointment of officers, either for the naval or military service. I deny that there is the least merit in this supposed impartiality. It is what every minister, whatever he be, is obliged to preserve an appearance of, as an open dereliction of it would be attended with instant disgrace. I need not remind the house that Lord North sent Sir Charles Saunders and Admiral Keppel to Faulkland Islands, though that expedition unfortunately failed. Indeed party distinctions were almost always from necessity overlooked. But I cannot hear the right honourable gentleman stating that the noble lord was free from party violence, without reminding

ing the house of one or two circumstances, which demonstrate the existence of party spirit in all its most intolerant and disgusting features. I shall mention one, which fell within my own knowledge, and which will fully illustrate my position. At a period of the late war when the danger of invasion was supposed to be at the height, when offers of voluntary service were eagerly accepted, a numerous and loyal body of men in Tavistock made a tender of their services. The tender was refused by this self-same moderate Lord Melville, on the sole ground, for no other could be alleged, that the corps, when raised, was to be commanded by the late Duke of Bedford. It may perhaps be imagined, that my feelings at the recollection of the deceased are so strong as to hurry me into some degree of exaggeration; but I solemnly protest that I am stating the matter precisely as it happened. And yet, sir, we are to hear of Lord Melville's moderation and perfect freedom from all party spirit. There is another circumstance, which also pretty strongly illustrates his lordship's forbearance and superiority to any of the workings of the angry passions. It is well known that the dean of the faculty of advocates in Edinburgh is generally the most eminent person in the profession, and that it is seldom customary to interfere with him from any political considerations. Yet this mild and moderate Lord Melville actually did interfere, and by employing all the influence of government against the honourable Henry Erskine, a gentleman confessedly the most eminent at the Scotch bar, he was actually dispossessed of a situation which he had for many years held with the greatest honour and credit. So much, sir, for the boasted liberality of the noble lord, which we were called on to look to for a motive to influence our decision. As to the favour bestowed on two noble lords, on which the right honourable gentleman rested so much stress, I entirely agree with my honourable friend near me (Mr. Grey) in every one of his observations. The right honourable gentleman says, that my two honourable friends must possess Spartan virtue to be able to follow that line of accusation against the noble lord which they had pursued. If extraordinary exertions in virtue were required, I don't know any men in whom they would be more readily found than in my honourable friends. But I must beg leave to say, that they are under no obligations to the noble lord for the defence he made of those relations, to whom they were naturally so strongly attached. Sir Charles Grey and Sir John Jervis were selected for a very difficult service in the West Indies, which they performed with

with gallantry. Some misunderstanding, however, arising, they returned, and a charge was preferred against them in this house. If I recollect right, there were three divisions on the subject, when the minority were successively thirteen, fourteen, and seventeen, and this was the formidable phalanx which the noble lord had so much merit in combating. I take it for granted that he believed the charge to be false; and if he did believe it to be unfounded, what merit had he in defending the gallant officers? It was no more than indispensable duty to those whom he had employed on a difficult service, which they executed with promptitude, vigour, and success. If this be merit, it is impossible to say how far the line of obligation may be extended. An honourable gentleman under the gallery (Mr. Samuel Thornton) has given a curious reason for voting for the resolutions of Monday night, on which it is impossible for me not to make a few observations. He says that he voted for the motion, conceiving the noble lord guilty of a certain degree of negligence and inattention. I confess I am utterly astonished at such a declaration, after attending to the language of our resolution, that the noble lord has been guilty of a gross violation of an act of parliament, and a high breach of duty. Surely, sir, this heavy charge is not to be confounded with inattention and negligence. How the honourable member could have misunderstood them, is to me incomprehensible, as they were particularly objected to on the other side of the house. With respect to the resolutions, it appears to me that they complete the criminal part of the charge against the noble lord, and I am not at present for pressing any further proceedings in that way. If the attorney-general is to proceed against him for refunding the money derived from profits of money misapplied, this will be by civil, and not by criminal action, for recovery of money is always ranked among civil actions. The same observation will apply to any action for recovering grants obtained under false pretences. I have the less disposition to press the motion in the mean time, on the grounds of the pledge which the honourable gentleman has this night so distinctly given to the house. I find, sir, after a careful examination, that during his majesty's long reign, now a period of nearly forty-five years, only the late Duke of Devonshire and myself have been dismissed his majesty's councils, and I assure you, sir, we want no such person as the noble lord to be our associate. I had almost forgotten Mr. Grattan, who had the like fortune in Ireland. I believe the representatives

of the late Duke of Devonshire would have no objection, and I am sure I should be proud in his joining our small circle. None of us could, however, be proud of any connexion with such a man as Lord Melville has shewn himself to be throughout his whole career of life. I have said, that I would not now press the motion to a division, in consequence of the right hon. gentleman's pledge, but I should be grieved indeed to see the resolutions passed without being followed by some lasting result. Such a work as that which we on Monday accomplished must not be suffered to pass away unimproved. From one end of the empire to the other the people will rejoice in the hope that a better system is about to be adopted, and we must not let their just expectations be disappointed. It is necessary for us, by making Lord Melville a signal mark of the vengeance of this house, to shew the country that we are indeed their representatives, that we are determined equally to watch over their property and their liberties. The public have received our work with the purest gratitude, but is there no part of this great work to belong to the government? Is his majesty to have no opportunity of manifesting his paternal interest on the subject? In what situation do we leave our sovereign? The people applaud us in the warmest terms. They say the house of commons have taken up our cause against the whole host of contractors and speculators. The house of lords may do the same; and shall not our beneficent sovereign have an opportunity of expressing the warm interest he takes in every plan for alleviating the burdens and improving the condition of his people? I admire this house as the corner-stone of the constitution—as the source of all reforms and improvements—as the balance by which the constitution is kept in purity and vigour. But I do not wish to exclude the monarchy from its proper share in every beneficent work. I think our resolutions ought to be presented to the throne. Like us his majesty has read the report, but he has not hitherto had an opportunity of expressing his feelings on the subject. I strongly impress this subject on the minds of ministers. They are bound to carry the resolutions to the throne. They owe it as a sacred duty to the king whom they serve. After a few more observations, Mr. Fox was willing to withdraw the motion now, on an understanding that the whole matter should be hereafter fully investigated.

Mr. Wilberforce was of opinion with his honourable friend (Mr. Banks) that for the present at least the motion of the honourable gentleman ought to be withdrawn. This opinion,

nion, however, he had formed, not in consequence of any communication with friends, nor from attachment to any party, but from his own view of the whole case. He regretted that the motion had been made, but did not say at the same time that he would not vote for it, were the question put to the house. Whatever his opinion respecting the dismissal of Lord Melville might be, this measure certainly had been rendered less necessary by the resignation of the noble lord. In regard to the reference made by the right honourable gentleman (Mr. Canning) to the conduct of Lord Melville in the case of the two noble lords whose conduct had been the subject of inquiry before the house, he admitted it did great honour to that noble lord; but disapproved at the same time of the manner in which that circumstance had been stated.—The hon. member concluded by entreating the hon. mover of the motion, not to do away the happy effect of the vote of the former evening, by attempting to go farther than some, he was persuaded, would think it their duty to accompany him. Governed by no popular feeling, he would not say, whether he would or would not vote for the measure, but warmly urged the hon. gentleman to withdraw his motion.

Mr. Fuller was of opinion that the whole business would be best settled by a committee, and if any thing had been wrested from the pockets of the people, hoped that the hon. gentleman would not rest till satisfaction had been obtained. Time, however, he argued, was necessary for inquiry. He reprobated the idea of acting on this important question from party or personal attachments. The great object to be ascertained was, if the money of the people had been improperly applied. Should that appear to be the case, no respect for those little men who had made themselves great by fingering the people's money, ought to interfere with the necessary measures of justice.

Mr. David Scott—Sir, I merely rise to express some reasons which I should hope would, in some degree, operate with the hon. mover to withdraw the present motion. I should previously apologize to the house for intruding, while under such severe indisposition as I fear will scarce enable me to make myself heard. The hon. gentleman who brought forward the resolutions on Monday, and other gentlemen on the same side of the question, used as their strongest argument, that the public looked to the virtue and dignity of the house for immediate justice, and for such severe resolutions as then were moved. The resolution being then carried respecting

Lord Melville, I mean to say no more upon it, except that God knows the public must think it sufficiently severe. If the present one proposed was carried, what would the public say to it? They would, instead of ascribing it to justice, to virtue, and a proper dignified conduct in the house, ascribe it to what the hon. gentleman below me (Mr. Fox) has so much dwelt upon, bitterness and rancour. They would say, this noble lord, after full forty years of meritorious services to the state, and most of these in the highest situations, has had a very unmerited return, severe in the extreme, so much so, that all these measures taken by the house must certainly have arisen, not from public virtue, but from a most persevering vindictive spirit. Sir, this conclusion is more natural when we look to the character of that noble lord throughout the country. As to his being concerned in any sort of peculation, it is totally out of the question. No man whatever, I conceive, could believe a thing of the sort. There is no man that has the honour of his acquaintance, who does not know him to be incapable of benefiting by the public money, or by any other thing not perfectly honourable. Such suspicion could scarce arise in the mind of any person, as indeed being directly contrary to the habits of his life. No man has ever valued money less; indeed, from what we all know, if he had chosen to benefit by the public money, he might have had millions. On the contrary, those who have the pleasure of knowing him best, I believe know, that if he made the two ~~con~~ meet at the end of the year he was well pleased. Much has been said about enmity and illiberality. I believe that all who know his lordship as well as I do, know him to be as honourable, liberal, and humane a character as ever existed. The subject which the hon. member below (Mr. Fox) urged so much, of his lordship's violence in turning out the dean of faculty, I must take the liberty of saying, is completely unfounded. Lord Melville had no more to do in the turning him out than you had. The dean of faculty, sir, is elected by the majority of the votes of that respectable body over whom he presides, and no individual, however powerful, could influence them in their choice.—I must also touch on something which fell from another hon. member of Ireland below me, who was offended with the right hon. gentleman opposite (Mr. Canning) saying that no British lawyer would have so acted. The hon. Irish member I see does not know that we commonly, when speaking of British subjects, call them English, be they English, Scotch, or Irish; he therefore, I hope, will

will never be offended with the word English being applied in future to express any of his majesty's subjects, or suppose it can be meant as an allusion to any particular part of the united kingdom.

Mr. Kinnaird declared, that it was not his intention to have said any thing on the present question, had it not been in consequence of what had fallen from the hon. member in the gallery, founded on the observation of a right hon. gentleman opposite to him (*Mr. Canning*). That right hon. gentleman had said, that no man could reproach Lord Melville with being a bitter advocate of political parties. There was a country which was probably known to the right hon. gentleman only by the account given of it by *Dr. Johnson*. In that country (Scotland) Lord Melville was known to be a bitter political advocate, and he was therefore the more surprised to hear the hon. member in the gallery, who was a native of Scotland, say, that Lord Melville did not exert his influence in that country, in a particular instance which had been alluded to by an hon. gentleman near him. He would ask that hon. gentleman, or any other member of the house, to step forward and say that Lord Melville had not exerted all his political influence, and in consequence had succeeded in turning off from a post of honour in the faculty of advocates, a gentleman who was an honour and an ornament to his profession. He trusted the time was not far distant when Scotland would be able to shake off the yoke of the noble lord, and to vindicate the insult which had, through his means, been offered to one of the most learned and best beloved men in the country.

Mr. William Dundas did not expect that he should have felt himself called on to make any observations, in the course of agitating the present question. He was aware that it would shew very bad taste in him to interfere, and therefore it was not his intention to have done so. Here, however, he felt himself called on by the hon. gentleman who had just sat down. How had the hon. gentleman discovered that Lord Melville had exerted his political influence in the manner he had alleged? Was it by going to his country mansion, and dwelling with him for weeks or months at a time, by mixing in his convivial moments, that he had acquired that knowledge? Had the hon. gentleman only gone to the noble lord in his moments of conviviality, now to rise up against him in the hour of his need, when the hon. gentleman was not called on, when, in fact, it was in a manner understood that the motion was to be withdrawn, and that only for the sake of introducing

roducing extraneous observations and allegations against him? On such conduct he knew he needed make no comment. He was conscious that the generous feelings in the breasts of Englishmen would speak more forcibly against such a practice than any thing he could say. The fact was, at the time alluded to jacobinism had been pressing on in Scotland; a meeting was called of those persons styling themselves friends of the people, and the gentleman alluded to, then dean of the faculty of advocates, had, he was convinced from no improper motive, allowed himself to be induced to attend and to address the meeting. The faculty, indignant at the conduct of their dean, themselves stepped forward, without any interference on the part of Lord Melville, and deprived the gentleman alluded to of the situation which he held—a thing which they had never done on any former occasion.

Mr. Fox explained, that the observations made by him and his hon. friend, which had been objected to by the right hon. gentleman, had been provoked in consequence of the appeal to the general disinclination of the noble viscount to enter bitterly into political parties.

Mr. Kinnaird thought that the right hon. gentleman had effectually displayed his bad taste in attacking him in the manner he had done. Was he to be reproached with ingratitude or any improper feeling, because, living in the same county with Lord Melville, no stranger to Lord Melville's agreeable convivial qualities, he had occasionally mixed in company with him, and had even been pleased with his society? He had now, when called on by his parliamentary duty, discharged that duty with fidelity, though to the exposure of any thing blameable in Lord Melville's conduct. The hon. gentleman begged pardon of the house for noticing this indecent reproach which had been thrown out against him. In doing so, he meant only to put himself right with the house; without any regard whatever to the right hon. gentleman.

Mr. Ellison begged pardon of the house while he performed his duty in shortly stating his sentiments on this subject. He had come down the other night as he had that day, with every wish to check speculation, and with every intention to follow up the resolutions of the house, as far as justice might seem to warrant. Expecting that the whole crime would be made out before the house ought to be called on to pass sentence, he on the former night voted for the committee, thinking that any sentence before the gravamen was made out, was worse than any punishment the house might afterwards

terwards feel itself called on to inflict. The house, however, having determined that there was no necessity for a committee in the first instance, he came down that night with a determination to lend every aid in his power to bring the guilty to punishment; to pledge himself to assist any class of men, to whatever party they might belong, who would institute an inquiry, and punish abuses in every department.

Mr. Whitbread hoped it would not be necessary for him to make any apology for offering a few observations on what had been said. He had been arraigned by two right hon. gentlemen, both that night and on the former night, for the way in which he had opened the business. On the former night he had been accused of too much passion in his statement. As he was conscious of feeling nothing of the kind in his mind, he hoped the right hon. gentleman would do him the justice to suppose that he had misconceived him in this respect. As to his statement of that night, he denied that he had blamed Lord Melville for tendering his resignation. He thought, on the contrary, that noble lord was right in retiring; but he must be of opinion that ministers were reprehensible in allowing him. There was this difference between him and Mr. Trotter—Mr. Trotter had been dismissed—he had retired! He ought to have been dismissed as well as Mr. Trotter. The hon. gentleman, however, had been arraigned, as being nearly connected with Sir Charles Grey, and also with Sir John Jervis, with having omitted to recollect that the noble lord (Melville) whom he now accused, had been the advocate and supporter of those two honourable characters. It never, however, entered into his mind that these two persons did owe any obligation to Lord Melville. He had never considered Lord Melville as their advocate. But, supposing it to have been the case, what was meant to be inferred from the fact? Was it to be supposed that the support which Lord Melville then gave his two noble friends was a job, and that he (Mr. Whitbread) was now bound to do a job for Lord Melville? Sir Charles Grey then stood on his trial. He was acquitted, and was twice thanked by that house for his conduct. Lord Melville, it may be said, moved for those thanks. Be it so. But would it be said he did so without thinking them merited? Far more, would it be urged, because Lord Melville chose on that occasion to abandon his duty, that the hon. member and an honourable friend of his (Mr. Grey) were now called on to desert their duty? The right hon. gentleman had given a promise that night that Lord Melville should never

never again hold any office of trust in the management of public affairs; but might not his majesty change his advisers, and might not Lord Melville be then again admitted into his councils? What means had the king of knowing what was done in that house? Had the right hon. gentleman communicated their resolutions to his majesty? That could not be; else he must have been dismissed, and would not have been allowed to resign. The hon. member felt anxious that the house should stand high in the public opinion—he felt doubly so, after the proceedings of the preceding night, lest it should be again let down. He begged to be allowed to state the way in which matters stood on the morning when they last adjourned. Many members were anxious that the concluding motion should then be made. He intimated his intention of bringing it forward that very night. Nothing fell from him indicative of any intention to relinquish his motion; he only wished to postpone the moving of it for a few hours, on account of the exhausted state of the house. The right hon. gentleman, without assigning any reason for the additional delay, proposed an adjournment of thirty-six hours. This was objected to by his hon. friend (Mr. Fox), unless it was understood that in the interval no public business should take place; and the right honourable gentleman, with a countenance which he (Mr. Whitbread) should not easily forget, said, in any view of the case it would be better to adjourn. Could it, however, be in the contemplation of the house that this delay was for the purpose of allowing Lord Melville time to resign? If any members, however, found themselves taken by surprise, he should withdraw his motion, but at the same time that was not a thing calculated to satisfy the public. He said so not in any spirit of resentments against Lord Melville, as if this resolution were necessary to make him feel his situation. If he had any feelings, and the hon. member entertained no doubt he had, nothing could wring them more than the resolutions already passed by that house. He was conscious the sense of the house went with him, that it was necessary that Lord Melville should never again hold any office of trust. All therefore that he desired was to find out some way of entering this opinion on the journals of the house, and that the motion had on that account been withdrawn. The parallels which had been set up as to the motions against ministers being allowed to drop on their resignation, did not at all apply. They were made on the ground of incapacity; this was founded on a delinquency.

delinquency. He knew that in common cases to be expunged from the list of the privy council was no disgrace. It had occurred to his hon. friend (Mr. Fox). The right hon. gentleman, then in the plenitude of his power, had recommended it as a measure proper for his majesty's adoption. He had, however, since retracted his opinion, and had recommended to his majesty not only to restore him to that honour, but to promote him to the highest confidence. He had asked pardon for his offence of God and man. But could ever such a recommendation avail in favour of Lord Melville, after the resolutions adopted by that house? He was happy to understand that the bank was not so much to blame as he had supposed; and also, to learn from what had fallen from the right hon. gentleman (Mr. Canning), that the mode of conducting business in that office was entirely changed: such would always happen when principals began to do their duty. But why, he would ask, was Trotter dismissed and Wilson not? The right hon. gentleman had said, Wilson was a deserving officer: with all respect for the assertion of the right hon. gentleman, he, however, could not help having also a high respect for the authority and opinion of the commissioners of naval inquiry; they said, and the hon. member said too, that Wilson was an improper person to continue in his present or any other situation of public trust. The hon. member could not, after what had fallen from hon. friends of his, and from other hon. gentlemen whose support he was anxious to procure, refuse, in the mean time, to withdraw his motion. He was anxious, however, lest the public should suppose that in passing their former resolutions, they had only adopted in a heat what they were unwilling to follow up; he therefore had to suggest what he hoped would meet the opinion of every gentleman present;—that a copy of the resolutions of that house, of the former night, be laid before his majesty without any comment. Thus it would be impossible that Lord Melville should ever after be admitted to his majesty's councils, and at the same time the resolutions of that house would be consistent.

It was then put and unanimously agreed to that the said resolutions be laid before his majesty.

Mr. Whitbread then moved that the said resolutions be carried up by the whole house.

Mr. Pitt submitted that as the resolutions were to be laid before his majesty without comment, this formality ought to be dispensed with.

Mr. Whitbread replied, that when he had said *without comment*, he did not say *without form*. In so important a business every species of form ought to be adopted.

It was then ordered that the resolutions be carried up by the whole house.

Mr. Pitt asked on what day it was *Mr. Whitbread's* intention to bring forward the motions he had alluded to, and in what order he was to bring them forward.

Mr. Whitbread answered that he should take the first open day after the holidays. That he should move first, that instructions be given to the attorney general, to commence a prosecution against Lord Melville and *Mr. Trotter*, calling them to account for their improper intromission with the public money; and secondly, for a select committee to investigate the other points to which he alluded. In imitation too of a measure adopted by Lord Melville himself, he should feel it his duty immediately to bring in a bill for restraining Lord Melville and *Mr. Trotter* from alienating their property.

Mr. Sheridan expressed a hope that a general committee to consider all the reports would be moved for, and that the adjournment of the house should not take place till it was known what time his majesty had appointed to receive the resolutions of the house.

After a conversation between *Mr. Pitt* and *Mr. Grey*, it was understood that the house would adjourn the next day till that day fortnight; and that *Mr. Whitbread* should bring forward his motions on that day, *Mr. Pitt* having declared that, as far as he was concerned, he wished the earliest possible day to be fixed.

Mr. Serjeant Best gave notice of his intention, immediately after the holidays, to submit to the house a motion on the subject of the eleventh report.

On the motion of *Mr. Fox*, the time for exchanging lists on the Middlesex contested election case was altered from the day already fixed to Thursday the 25th inst. The balloting for a committee to try the merits of the petition, was on the motion of the same member ordered to stand for Tuesday the 7th of May.

The bill for the prevention of smuggling was introduced, read a first time, and ordered to be read a second time.

The property act amendment bill was read a second time, and ordered to be referred to a committee of the whole house the next day.

The

The other orders of the day were deferred, and the house adjourned.

HOUSE OF LORDS.

THURSDAY, APRIL 11.

The royal assent was given by commission to the Irish militia reduction bill, Irish spirits permit bill, assize regulation bill, Bowyer's lottery bill, and seven private bills. The commissioners were the Lords Chancellor, Hawkesbury, and Walsingham.

The further hearing in the Scotch appeal, Blane against the Earl of Cassillis, was postponed till the 26th April. — Adjourned till the 13th inst.

HOUSE OF COMMONS.

THURSDAY, APRIL 11.

As soon as the speaker had taken the chair, Lord Stophord appeared at the bar, and informed the house that his majesty had been graciously pleased to appoint four o'clock that day for being waited on with the resolutions which that house had come to upon the conduct of Lord Viscount Melville.

On the motion of Mr. William Elliot, a new writ was ordered to be issued for the election of a member for the borough of Malton, in Yorkshire, in the room of the hon. Charles Laurence Dundas, who since his election has accepted of the office of one of the stewards of the Chiltern Hundreds.

Mr. Johnson presented at the bar, in pursuance of an order of the house, an account of the produce of the taxes in Ireland for the last year, which was ordered to be laid on the table.

Lord Castlereagh moved, that the house do at its rising adjourn to Thursday the 25th inst. — Ordered.

The speaker and several members went, according to summons, into the upper house; and, on their return, the speaker informed the house, that the bills to which the royal assent had been given were, the Irish militia volunteering bill, and the Irish spirits permit bill, together with the London bread assize regulation, Bowyer's lottery, and some other private bills.

The prize regulation bill and the smuggling prevention bill were severally passed through a committee of the whole house, reported, and ordered to be taken into further consideration, the former on Monday the 29th, and the latter on Tuesday, the 30th instant. The property act amendment bill passed through the same stages, and the further consideration was fixed for Tuesday, the 30th. inst. In the mean time the above bills were ordered to be printed.

Mr. G. Rose, sen. moved for leave to bring in a bill for the better regulation of the office of paymaster general of his majesty's forces. He stated that it had been found that the former act was insufficient; that many vouchers were not regularly delivered, and that balances had been accumulating for a number of years. The object of the present bill was to regulate the mode of drawing money from the bank, and to prevent the further accumulation of arrears in the office to which he alluded.—Leave was given, and the bill was afterwards brought in, read a first time, and ordered to be printed, and to be read a second time that day three weeks.

On the motion of Mr. Huskisson, the consideration of the petition against Mr. Mainwaring, as far as respects the qualification of that gentleman, was postponed from Thursday the 25th instant to Thursday the 2d of May.

Lord Henry Petty said that it must be in the recollection of the house that he had some time since moved that a list of the state prisoners in Ireland, and other particulars connected with the detention of some, and the discharge of others, be laid before the house. His motion had been agreed to, and, notwithstanding that, the papers were not yet presented. He then moved that the order be read, which being done, a new order was made, that these papers be forthwith presented to the house.

A new writ was ordered for the election of a member for Gatton, in Surrey, in the room of Philip Dundas, Esq. who has accepted of the office of bailiff of East Hendred.

The house then adjourned to that day fortnight; and the right hon. the speaker, followed by several members, immediately went up to St. James's with the resolutions of Monday last.

HOUSE

HOUSE OF LORDS.

THURSDAY, APRIL 25.

The committee on the universities advowson bill, which stood for the next day, was, on the motion of the Bishop of Oxford, adjourned till Monday.

A clerk from the Irish secretary of state's office presented an account of the state of the prisons in Ireland, in 1804.

Lord Suffolk called the attention of the house to the high price of bread in the metropolis: he understood it was considerably cheaper in different parts of the country, so low in some as a shilling the quartern loaf, and this he thought was chiefly owing to the unprincipled practices of mealmen and millers at the distance of fifteen or twenty miles from town, who, by their machinations, kept up the price of bread. The best remedy for this, in his mind, would be the establishment of public magazines; for instance, at Uxbridge, and places about the same distance, and from them to supply the metropolis, as occasion might require. He forbore at present to make any motion on the subject.

Some arrangements were made with respect to the hearing of appeals.

The Leith harbour improvement bill was brought up from the commons, and read a first time.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 25.

As soon as the speaker had taken the chair, he stated that the house had waited on his majesty, on Thursday the 11th instant, with the resolutions that had been ordered to be laid at the foot of the throne, and that his majesty had been graciously pleased to return the following answer:

"Gentlemen,

"I shall on all occasions receive with the greatest attention any representation of my commons; and I am fully sensible of the importance of the matter which is the subject of your resolutions."

On the motion of Mr. Smith, it was ordered that a new writ should be issued for the election of a representative for Hereford, in the room of John Scudamore, esq. deceased.

Mr. Johnson, from the office of the chief secretary of Ireland; presented at the bar the various statements relative to the

the state prisoners in Kilmainham gaol, which had been ordered on a former day on the motion of Lord Henry Petty. Ordered to lie on the table.

Sir Thomas Metcalfe moved, that the second reading of the Pancras poor bill be fixed for Monday next, which, after a few observations from Mr. P. Moore, was agreed to and ordered by the house.

Sir J. Anderson obtained leave to bring in a bill for the formation of a tunnel under the Thames.

Lord John Thynne, Mr. Garrow, and another member, took the oaths and their seats in the house.

It was ordered, on the motion of Mr. May, that the account of the number of dollar tokens issued by the bank of Ireland, which is already on the table of the house, should be printed for the further information of the members.

The Leith harbour bill was read a third time and passed.

Mr. Lee moved that leave be given to bring in a bill to regulate the issue of small notes in Ireland. At present the smallest sum for which private bankers were authorized to circulate their notes, was for the value of three guineas. Gentlemen who saw the great facility which the circulation of small notes afforded to the intercourse between all classes of society in this country, would, he was induced to believe, be ready to admit that it was proper that the farmer, the tradesman, and the mechanic in Ireland should, under the present circumstances, be allowed to enjoy the benefit of a similar regulation for that country. And, as it must be evident that while the national bank has it in its power to refuse the payment of its small notes, and the private bankers can be compelled to give cash or national bank notes for theirs, the national bank may possibly make an over issue of their paper, and the country banks cannot do so, or must at least run a very great risk if they do; he was therefore inclined to suppose that there was the less danger in granting such a privilege to the country bankers in Ireland.—Leave given.

Mr. Lee also obtained leave to bring in a bill to regulate the mode of proceeding for the recovery of small debts in Ireland.

Mr. H. Thornton presented a petition from Southwark, approving the resolutions of the house on the conduct of Lord Melville, and expressing a hope that further steps would be adopted towards the repression and punishment of the delinquencies that have been disclosed.

Sir W. Curtis presented a petition from the lord mayor and

and every of London, in common hall, expressing the approbation of the city of the conduct of the house on this occasion; and praying that further steps may be taken for the detection and punishment of malversation.

Lord Felke presented a similar petition from Salisbury.

Mr. Calcraft moved that the second clause of the Grenville act be read. As soon as it was read by the clerk, the hon. member presented a declaration from Sir Francis Burdett, bart. stating that it was his intention, according to the authority given him by that clause, not to defend his late election or return, as far as related to the numbers which stood upon the poll, or the qualification of the voters; but he reserved to himself the power of defending himself, at any future period, against whatever charge of bribery, or other corrupt conduct, may be brought against him.

The Speaker then observed, that the question which the house would now have to decide upon was, whether or not this declaration was such as came within the meaning of the act which had been referred to; or, in other words, whether this declaration amounted to a total abdication of Sir Francis Burdett's right to a seat in that house, or whether it went only to the abandonment of particular points.

Mr. Calcraft, Sir John Newport, and Mr. Grey maintained that the hon. baronet in his declaration had disclaimed all intention of contesting any longer for his right to a seat in that house; but he had acted very properly in reserving to himself the power of repelling any improper charge which may be brought against him elsewhere.

The Secretary at War and Mr. Rose, sen. insisted that the declaration was incomplete.

It was then withdrawn with leave of the house, in order to be amended.

Mr. Foster gave notice that he would the next day, in the committee of ways and means, state the terms of the late loan for Ireland.

The Chancellor of the Exchequer gave notice, that on Monday next he would move for leave to bring in a bill for the continuance of the powers of the commissioners of naval inquiry. He would also move that a committee be appointed to inquire into the state of the expenditure in the military and other departments of the public service. The house would then have an opportunity of either being satisfied that no abuses

abuses did exist, or if they saw the evidence of such an existence, they would have it in their power to correct those abuses.

Mr. Kinnaird presented a petition from Benjamin Tucker, esq. one of the commissioners of the navy, complaining of a gross and scandalous libel, contained in a letter on the table of the house.

Sir A. S. Hammond gave notice, that the next day he would make a motion on the subject of the eleventh report.

On the motion of Mr. Kinnaird it was ordered, that a letter from commissioner Tucker to the secretary of the admiralty be laid before the house.

LIBEL ON THE HOUSE OF COMMONS.

Mr. Grey then rose, and, after stating his reluctance to take any step at all inconsistent with the most perfect liberty of the press, called the attention of the house to one of the most indecent libels on the proceedings of the house, which it had ever been his province to notice. It was, indeed, a libel of so gross a nature, that the house, in consistency with its own dignity, could not suffer to pass over, without a strong expression of indignation against such an attack on a solemn decision of the legislature. The hon. member then read the following paragraph from the Oracle of the preceding day. The article is prefaced by a statement that Sir Charles Middleton was appointed first lord of the admiralty.

“While we announce this arrangement as the proper reward of public and private virtue, we cannot help sincerely regretting, that party rancour and popular clamour have at this time deprived our king and country of the great and powerful abilities of Lord Melville. In no period of our political history can we find such an instance of the strong effects of prejudice. With all our profound respect for the motives which influenced the majority of the house of commons—with all our admiration of that spirit which arouses and animates the people in their expressions of indignation at the supposed malversations of an individual—with all our regard for town and county meetings when properly directed in supporting the cause of independence, freedom, and public virtue—we cannot help again and again declaring, that Lord Melville has fallen a victim to confidence misplaced, to prejudice misjudged, and to indignation misapplied. He has been condemned without a trial. When an appeal has been offered to his intemperate judges, when a request has been made to put him on

on his defence—when it has been earnestly solicited to give him a fair and candid hearing, and then to come to a decision on the merits of the case—a strong and presumptuous negative has been given, directed and enforced by the violence of the times.”

Mr. Grey proceeded to move, that the printer and publisher should be called to the bar of the house.

The clerk taking up the paper in question, ascertained that the printer and publisher was Mr. Peter Stuart, of Fleet-street; and, on the suggestion of the speaker, the passage complained of was again read at the table.

The *Chancellor of the Exchequer*—Certainly I do allow, sir, that the passage just read is libellous and indecent; but, if we are now to begin to turn our attention to every thing of a libellous and indecent tendency, which appears in the public newspapers, I hope at least we shall observe the strictest impartiality. It is not the first time we have heard of libellous, licentious, and unwarrantable observations in newspapers, even on the proceedings of this house, and we have seen them altogether overlooked. If gentlemen have now, however, made up their minds that such licentiousness of the press is not to be tolerated; if they are resolved that malignant remarks, whenever they appear, derogatory to the dignity of the house, shall meet with marks of our indignation, I am satisfied. All that I ask is, that we shall not select one instance for punishment, while we allow many others to pass with impunity. I certainly do not oppose the motion.

Mr. Grey—The right hon. gentleman has allowed that the passage which I have thought it my duty to bring before the house, is both libellous and indecent, and he has no objection to the motion which I have proposed. He says, however, that he wishes this not to be a particular instance selected from party motives, but a part of a general system of inquiry. To this I can have no sort of objection; for I have selected this case merely because it struck me as one which it was the imperious duty of this house to take under their special cognizance. The present instance was one which appeared to me right and proper to be selected, and on that account only have I brought it under the consideration of the house. The right hon. gentleman has alluded to cases of libels on this house which were overlooked. If he did know of such cases it was his duty to have specified them, and if they did not meet with adequate punishment, he has no one to blame but himself. Those who did see such libels and who did not specify them in

this house, were certainly deficient in respect to that dignity in all its proceedings, without which the honour and the importance of this house could not be maintained. If any man has seen and felt that our proceedings have been calumniated, and has not moved for the punishment of the libeller, he has not done his duty. We must see that our decisions are treated with proper respect, or else our character is destroyed. It is therefore on a principle of regard for our public utility that I think the present motion necessary, and I trust the house will act on the same principles.

Mr. Fox—I certainly do agree with the right hon. gentleman opposite, that in a business of this nature, the strictest impartiality is our duty. I differ with him, however, as to the particular period when my hon. friend near me has brought forward his motion. When we talk of the propriety of such motions, I hope we shall not lose sight of the particular circumstances, and the particular time, under which they are produced. It is the duty of this house to be at all times jealous of its honour, but this is a period when this jealousy ought to be the most active. A late decision of this house has diffused universal gratitude throughout the country, and it is our duty to see that this decision shall not be wantonly attacked and insulted. It is the more necessary, sir, for us to see that our resolution is properly respected, when we find men in high official situations endeavouring to act as the protectors of those condemned of the grossest malversations. When we see evident signs of reluctance to have delinquents brought to punishment, is it not our province to teach those who libel our proceedings, that they shall not do so with impunity? We have voted certain resolutions on which his majesty's servants have not hitherto thought it their duty to take the least proceedings. The right hon. gentleman opposite, the treasurer of the navy, even continues a man whom the commissioners of naval inquiry have deemed unworthy of acting in any pecuniary situation, since he refused to answer questions essentially connected with the object of their investigations. If ever then it was fit for the house of commons to be jealous of its honour and dignity, surely this is the period when our calls to jealousy are greatly increased. The very strength and efficacy of our late resolutions must depend on the measures which we now form, not as against an individual, but for the support of the character of the house of commons. I therefore entirely coincide in the motion of my hon. friend who introduced this business, while it is impossible to disagree with

with the right hon. gentleman opposite, that in all cases of a similar kind we ought to proceed with the greatest fairness and impartiality. As a general principle, indeed, I lay it down that, independent of all party considerations, whenever gross or indecent attacks are made on the proceedings of this house, they ought to be punished with suitable severity, I therefore cordially vote for the motion.

Mr. Canning—The allusions which the hon. gentleman has made to my conduct, render it necessary to say a few words in reply. The hon. gentleman has represented it to be an aggravation of this libel, that Mr. Wilson has been continued in my office after the opinion of this house had been formally declared. (*A cry of no, no, from the opposite side of the house.*) With all due deference to the hon. gentleman's logic, I think it is, in this instance, altogether erroneous. It is, indeed, a most extraordinary position, that, because other persons had been guilty of improper acts, the author of the libel, who knows nothing of the matter, is to have a severer punishment. I wish, sir, the hon. gentleman had considered the matter a little better, and then, I am confident, he could not easily reconcile such ideas with logic or humanity. With regard to this Mr. Wilson, it is necessary for me to declare, that I entertain for him no individual concern or regard. In retaining him in the situation which he now holds, I looked only to the equity of the business. I could not reconcile it to my ideas of justice to dismiss one against whom no decision of this house had taken place; against whom no proof of criminality, so far as the use of the public money is concerned, has been even attempted to be established. He indeed refused to answer certain questions from the commissioners of naval inquiry, but on what grounds did his refusal rest? It was expressly under the idea that his answers would subject him to certain pains and penalties, not that he participated of any money improperly applied, but that he acted as the deputy of a person whom a vote of the house had declared guilty of a misapplication of the public money. In all these transactions Wilson was merely the deputy, merely the instrument to carry forward the designs of another. True it is he filled up drafts in the absence of his principal, but it was impossible for him, while he continued in the office, to refuse such an employment. He might indeed have resigned, but nothing short of this could have superseded the necessity of the conduct to which so much blame is now attached. Having then offici-

ated as a deputy, Wilson very naturally refused to answer questions to which he knew that punishment might be applicable, and to which, under a clause of an express act, he was entitled to refuse any reply. Surely, sir, it will not be contended by the gentlemen on the other side, that the clause, under which Wilson refused to answer the commissioners, was intended to be an absolute nullity. It was certainly intended for some purpose, or it never would have been adopted. It was designed for the protection of those who, though conscious of no moral delinquency, might, under particular circumstances, have been guilty of a legal crime. Such was exactly the situation in which Wilson stood in the whole of this business. Looking to the transaction in a moral view, looking to him as not deriving the slightest advantage from any misapplication of the public money, he had no more to do with it than the pen which he used, than the very ink which he used for those drafts by which the transfer was effected. Let me remind the house too, that the clause was not introduced into the bill on light authority. I contended for it strenuously here, but my exertions were not crowned with success. In the other house of parliament, however, it was introduced on the suggestion of the Lord Chancellor, and when I have said this, I have surely said enough to shew that the clause was not meant to be an idle, unmeaning provision; but an active, positive regulation, on which every individual appearing before the commissioners had a fair right to act. Wilson did take advantage of the clause, and in so doing, only did what almost any man would have done under such circumstances. Though only himself an instrument, he was sensible that his answers might bring him into an unpleasant situation, which therefore he prudently avoided. In such conduct there was no criminality, since, while the individual exercised a right which the law allowed him, the public sustained no loss. This, sir, is the view which the best consideration of the subject has suggested, and, acting on these principles, I have not thought it my duty to dismiss Mr. Wilson from the situation which he holds in my office. This house has hitherto decided nothing on the case of Wilson, and, therefore, I have not felt it my duty to dismiss him from his present employment. When the house does express such a determination, it will undoubtedly be my duty to bow to it with all suitable respect; but, till that opinion is expressed, I shall continue to follow that line of conduct which appears to me alike consistent with justice

justice and humanity. I am sensible, that in following this course, I subject myself to a great deal of odium and abuse. My conduct is ascribed to the most dishonourable motives; my refusal to dismiss Wilson is branded with the opprobrious epithet of protection of convicted guilt. Seeing the matter, however, as I now see it, I shall endure all this odium and reproach. When this house shall declare their opinion fairly, it will be my duty to submit to it; till that period arrives, Wilson shall not, in the absence of any proof of his guilt, be dismissed from his situation. I shall never, either by my voice or by my conduct, patronize the tyrannical, despotic principle of punishment previous to conviction. Having said so much in answer to the hon. member opposite, I have only to say, that I shall not oppose the motion.

Mr. Fox, in explanation, maintained that the right hon. gentleman had totally misrepresented his argument. He had not asserted that the conduct of the right hon. gentleman, as treasurer of the navy, was any aggravation of the particular libel in question, but he insisted that the particular circumstances in which the house was placed, rendered it highly necessary to watch over the dignity and honour of their proceedings, and not permit them wantonly either to be opposed or insulted. In alluding to the case of Wilson, he had meant clearly to explain to the house his opinion, that when men in high offices in the state acted as the protectors of those against whom strong accusations existed, it became a matter of necessity that every attack on the character of the house should be carefully looked to and signally punished. As he was up, he could not help remarking, that there was a very great distinction betwixt the right of a person to refuse answering certain questions before parliamentary commissioners, and the propriety of continuing these persons in office after such a refusal had taken place. It was surely a strong proof that all was not right when an individual was afraid of the consequences arising from a plain question, and yet it was to such a plain question that Wilson refused to give a direct answer.

The *Attorney General* would not trouble the house with many observations. There were, however, a few remarks which he thought it his duty to throw out, in consequence of what had fallen from the gentlemen on the other side of the house. He confessed he was not surprised that the hon. mover thought this the most favourable moment for bringing forward the libel in question to the attention of the house. The opportunity

was

was favourable, when the hon. gentleman found himself in a majority on a great question, but he hoped, as his right hon. friend near him had said, that when such motions were brought forward they would be conducted with impartiality. Though he certainly did not mean directly to oppose the motion, he did not wish the house to be taken by surprise, and therefore he suggested to the hon. gentleman that he should only in the mean time give it in the form of a notice, that thus all the members might have an opportunity of fully considering the nature of the passage in question. He thought it would be more consistent with the dignity of the proceedings of the house to act with this degree of temper and moderation.—It was of importance to ascertain whether the libel was of that magnitude and importance as to make it a fair subject of prosecution, and if it really was of this magnitude it was surely expedient that any proceedings consequent on it should not be carried by acclamation. As the affair now stood, to agree immediately to the hon. gentleman's motion, would carry with it an air of precipitation which he wished to mark no part of the proceedings of the house. These observations he applied to the motion immediately before the house, but it was necessary for him to advert to other topics, which had been introduced into the debate. He thought his right hon. friend, the treasurer of the navy, had been very unjustly attacked for retaining Wilson in his situation. Doubtless, Wilson was legally guilty; but he was morally innocent, and therefore, in refusing to discharge Wilson, his right hon. friend drew the proper distinction. Wilson refused to answer certain questions, but in this no criminality was established. He acted under an express clause of an act of parliament, and he was besides protected by that general benevolent provision of our common law, that no man is bound to give evidence against himself, and that no judge has a right to enforce questions from which punishment of a very severe nature may arise. The house would recollect the circumstances under which this clause was introduced. He had himself thought it unnecessary on the precise principle which he had now stated, that the humane spirit of our laws rendered it superfluous.—Being introduced, however, it was surely no matter of guilt that it was acted on; and yet for the very act of Wilson, in availing himself of it, gentlemen blamed his right hon. friend for not dismissing him. With what justice this was done, he left it to the fair judgment of the house to decide; the legislature meant the clause as a clause of protection, and now the house were

were to be told, that the use of it was a proof of criminality. The legislature never could have such an object in view, and, therefore, Wilson was not, from his silence, to be presumed guilty. To presume guilt from mere silence, was first to authorize this silence, and then to take it for granted that it was a proof of criminality, without attending to one of the mitigating circumstances of the case. It was quite clear that with regard to any participation of profits from the misapplication of the public money, Wilson was liable to no charge, and, therefore, his right hon. friend had not, till his guilt was fully established, thought it his duty to dismiss him from a situation to the duties of which he had proved himself fully adequate. The right hon. and learned gentleman concluded by calling on the hon. gentleman who introduced the business, in the mean time to wave the motion.

Mr. Rose, without opposing the motion, rose principally with the view of vindicating the conduct of his right hon. friend, the treasurer of the navy, from the aspersions which had been thrown out against him in the course of the evening. He thought his conduct respecting Wilson was, in the highest degree, commendable, and afforded a striking contrast to the conduct pursued by a paymaster of the forces at a distance of time of rather more than thirty years. He himself did at that time belong to the treasury, and therefore what he was about to state was the more to be relied on. He recollected that two officers in the paymaster's office were found guilty of gross fraud on the office with which they were connected. This appeared on a solemn examination by the lords of the treasury, who accordingly ordered them to be dismissed, and actions were instituted against them to recover their illegal gains in a court of law. One of them died before this process could be accomplished, but the survivor was cast in an action, and was confined in the king's bench prison. A change of administration took place, and those defaulters were actually replaced. He recollected that an hon. gentleman opposite (*Mr. Fox*), who was now so clamorous against the continuance of Wilson in his situation, was violent against a proposition for condemning them, declaring, as far as he could remember, "Gracious God! will you condemn people without hearing them? Will you suppose them guilty without even listening to any proofs of their innocence?" He wished to know, then, on what grounds the hon. gentleman could reconcile his present principles with his former appeals in favour of justice and humanity. If he was so strenuous in sup-
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port of Powell and Bembridge, how was it that Wilson, of whose guilt there was no proof, should be dismissed without even a shadow of mercy or justice? He was sure that every man who respected humanity would think that, under all the circumstances of the case, his right hon. friend had been alike mindful of the demands of justice, and the voice of humanity.

Mr. Fox, in explanation, professed that he had not at that time a perfect recollection of the transaction to which the hon. member alluded. 'If he recollected right, however, the two persons alluded to were, at the time the vote passed in the house, actually *sub judice*. If, however, the hon. member had any wish to push the matter further, he, for his part, was ready to discuss it on another occasion in all its features and relations.

Sir C. Pole (president of the commissioners of naval inquiry). The right hon. gentleman, the present treasurer of the navy, thought proper to assert on a former occasion, that certain explanations were given by Wilson to the commissioners, which satisfied them of the manner in which he had conducted himself during the examination. Now, sir, it is proper for me to state, that no such explanation ever took place, and so much the reverse of being satisfied were the commissioners, that they almost take shame to themselves for not ordering him to prison for the manner in which he gave his evidence. I think it necessary for me to make this declaration, standing as I do in the character of a servant of the public, and certainly such conduct as Wilson's on his examination before us is much to be condemned. If questions are put, and answers are thus to be refused—if inquiries respecting the application or mismanagement of the public money are to be trifled with, there is no utility in appointing commissioners of naval or military inquiry. We have the head of a board who refuses us all information—we come to the deputy, and he is equally silent—and thus may we go through the whole range, and still no satisfaction is obtained. Wishing, then, that these difficulties should be removed, the commissioners certainly never can express themselves satisfied with the manner in which Wilson eluded their investigations. Thus much have I felt it my duty to say respecting this part of the subject; and before I sit down, I shall add an observation or two respecting the conduct of the right hon. treasurer of the navy. I do say then, and say it with confidence, that the right hon. gentleman did not give our inquiries all those facilities which might have been expected. We did encounter
difficulties

difficulties of a pretty formidable kind, to which the dilatory proceedings of that right hon. gentleman did not a little contribute.

Mr. Canning, throwing himself on the indulgence of the house, spoke shortly in explanation. The hon. admiral supposes me to have said, on a former occasion, that Wilson had made such explanations to the commissioners as satisfied them of the propriety of his conduct during his examination. I certainly never made any such assertion, though I may have said that Wilson did enter into explanations with me, and that I had reason to believe that a copy of these explanations had been sent at the same time to the commissioners. But, as the hon. admiral has spoken of the manner in which Wilson's evidence was given, I wish to know from him distinctly whether the whole of Wilson's testimony is given in the tenth report.

Sir Charles Pole, without hesitation, answering the question in the affirmative, the right hon. gentleman (*Mr. Canning*) proceeded with a good deal of warmth, which called up

Mr. Plumer, who begged leave to remind the right hon. gentleman, that the regular way of conducting business was to address the chair, instead of that sort of imperious catechising in which the right hon. gentleman seemed so desirous to indulge.

Mr. Canning, after this interruption, expressed a wish to be informed, whether the whole of his correspondence with the commissioners was contained in the tenth report? If it was not, it was proper that it should be before the house, and with that view, he should move for the production of all that part of it, at least, which the report did not embrace.

Sir Charles Pole, after repeating what he had formerly said, by a blunt *Aye*, in answer to the question of *Aye* or *No* from *Mr. Canning* respecting Wilson's evidence, stated that the commissioners could have no objections to the production of the whole correspondence. Their only reason for withholding any part of it, was a wish not to make the report too unwieldy.

Dr. Laurence heartily concurred with the motion. He thought the passage in the paper complained of was to the last degree libellous; and this was the more to be resented, because it was a libel directed against the combined sentiments and feelings of the legislature.—So far as the individual was concerned, it was trifling; but at such a crisis as the present it was fit that every one should see that the dignity of the house

of commons should not be insulted with impunity. He was astonished to hear this represented as a party question by his hon. and learned friend the attorney general, who certainly must be supposed to have a high regard for the dignity of parliament. He could not consent to the mode of treating this business, which his hon. and learned friend had proposed.— After the declaration which he had made that evening, he could not allow an insult offered to the solemn decision of the house of commons to be punished by a prosecution, which his hon. and learned friend either might or might not think proper to institute. If he entirely disapproved of the mode of managing the business which had been recommended, he not less strongly wondered at the manner the clause, authorizing Wilson's silence, had been interpreted. The clause was now described as absolutely a nullity, because the common law answered the same purpose. Who then was the author of this unnecessary provision? It was the first law officer in the land; and yet the house were now to despise this high authority, and to yield to the representations of his hon. and learned friend. He saw no necessity for the production of the whole correspondence betwixt the commissioners and the treasurer of the navy. They had produced what had created the impression in their mind in framing the tenth report, and that was amply sufficient to enable the house to determine how far their conclusions were warranted by facts. He highly condemned the manner in which the right hon. gentleman had attempted to catechise the hon. president of the commissioners, to whose labours the public were so much indebted: It was not decent or becoming, that those who were invested with so solemn a trust, should have their accuracy of statement thus violently questioned. * The house owed it to their own dignity, to see that those to whom they delegated extraordinary powers, should not be subjected to any unnecessary or undeserved insults.

Mr. Canning said a few words in explanation, stating that, with respect to Wilson, he had asked a question of the hon. admiral, purely for the sake of information. As to the copy of the correspondence, it was necessary to place his character in its true light, if it was at all called in question, as his hon. and learned friend had, in the warmth of his speech, no doubt not obscurely insinuated.

The *Solicitor General* defended his right hon. friend (*Mr. Canning*) for having put the questions with which he was reproached, on the ground that he had been sharply attacked.

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The correspondence, when the whole of it was before the house, would shew that every facility had been given to the commission of inquiry, except when great inconvenience would arise to the other public duties of the treasurer of the navy. He was sure that when the hon. baronet spoke of committing Mr. Wilson, because he refused to give answers tending to his own crimination, he spoke of a different act from that constituting the board of inquiry, which gave no such power. If persons were obliged to state the facts to shew how criminal they had been, the care of the law was nugatory. Mr. Wilson, though he expressly stated he had not pocketed a farthing of the money, may have incurred a very penal degree of legal guilt. By whatever other law he might have been committed to prison, for refusing to disclose this illegality, he could not conceive how it could be by a law protecting this particular species of silence. And surely it was not braving the house of commons, which had come to no decision on the subject, to employ Mr. Wilson, whose name was only incidentally mentioned in the report.

Mr. Fox, in explanation, said he meant to say, that the employment of Mr. Wilson was braving the legislature.

The *Solicitor General* could not conceive how it was braving the legislature to employ a man who had only taken advantage of a protecting clause in an act of parliament; though he had no hesitation to say, that if any act of contamination, or any corruption appeared in Mr. Wilson's conduct, he ought to be dismissed.

Sir C. Pole said it was in vain to attempt to trace the public money, if one person after another was entitled to withhold answers, lest they should be themselves involved in some irregularities. He had not made any attack on the treasurer of the navy, it was not his disposition to attack any man, and therefore he had been silent during the whole of the discussions on the tenth report.

Mr. Sergeant Best thought the conduct of the treasurer of the navy, in not discharging Wilson, highly reprehensible. It had been argued that Wilson merely acted according to the instructions of Trotter, as if this were any excuse for his conduct. If he had acted properly, he ought to have disclosed the nefarious proceedings which were going forward, and by such a disclosure much of the evil which was now brought to light would never have been accomplished. It was also contended that Wilson, in availing himself of the clause in the act, not to answer questions to criminate himself, did only

what was naturally to be expected. This, however, had no thing to do with the question, since nobody doubted his right to avail himself of the clause, if he thought his conduct required it. What was complained of, however, and with justice, was, that the treasurer of the navy retained in his office a person who had refused to answer some questions which an innocent man could have answered with the greatest safety. If a person had a servant, or a steward, and wished to ask some questions respecting the state of his affairs, and could obtain no satisfactory answer, what would be his conduct? He might think it very right for the servant not to answer questions to criminate himself, but he would also think it highly necessary to dismiss one from his employment who had such extraordinary secrets. The learned serjeant also condemned severely the conduct of the treasurer of the navy for the difficulties which he had thrown in the way of the inquiries of the commissioners. It was as far back as the tenth of last July that the commissioners issued a precept to the treasurer of the navy, calling on him to produce certain papers; and it was not a little singular that two months elapsed before any answer was returned. What, in the mean time, was the conduct of the treasurer of the navy? Why truly, he could make no return to the commissioners till he had taken the advice of his majesty's attorney and solicitor general. This, the learned gentleman maintained, was to the commissioners, as acting under the express sanction of parliament, extremely indecent and disrespectful. The treasurer of the navy, if he laboured under any difficulty how to act, ought to have applied to the commissioners for advice and instruction. It was not unknown to the house, that one of the commissioners was a member of the profession to which he had the honour to belong, and certainly, with all due deference to the attorney and solicitor general, his opinion was as greatly to be respected on all constitutional points as theirs could possibly be. The treasurer of the navy was culpable then for not applying to those whom parliament had invested with vast powers for the correction of enormous abuses. He put the case of a court of justice where certain important documents were to be procured. Here it would surely be strange if, on an application for their production, a reference should be had not to the court itself but to the crown lawyers. Not less extraordinary was the conduct of the treasurer of the navy.—From July till October had elapsed to give time for the right hon. gentleman to consult the attorney and solicitor general, and in the mean time

no pains appeared to have been taken to procure the commissioners the information they required. Indeed, it appeared from the examination of Fennel, that though he was nominally employed to prepare the accounts, he was positively engaged in making out the accounts of Lord Bayning, who had been out of office for twenty years. He was decidedly for the motion.

Mr. Ward denied that the treasurer of the navy had been backward to furnish information. He had, on the contrary, given every possible facility to the inquiries of the commissioners. He wished particularly to know whether the hon. admiral was serious in his assertion that the commissioners took shame to themselves for not putting Wilson in prison in consequence of his evidence? If they were serious in this assertion, they were fit only to be inquisitors, and not legal, temperate commissioners. [*Here there were violent marks of disapprobation.*] Returning to the question before the house, he conjured gentlemen to look at the question with moderation and temper. With this view, he thought the delay of a day would be highly expedient, and in the mean time he was desirous that the whole paragraph should be read by the clerk at the table. This was the more necessary, as the paragraph as read by the hon. mover did not form a whole. The whole was read accordingly, and the following makes up the paragraph complained of :

“If those who were so very impatient to deprive Mr. Pitt of so able a coadjutor, were equally zealous in their endeavours to restore to the public the unaccounted millions of which that public has been so disgracefully robbed, there would perhaps be some excuse for all that affectation of public virtue which has lately distinguished certain bawling patriots of the day. Lord Melville has not deprived the public of a single farthing. His most implacable enemies have not dared to charge him with such an act. Can as much be said of the fathers of some men? If the public were paid its pecuniary claims, long since indisputably proved, certain furious patriots, instead of living in splendour, would be put on the parish. In the future resolutions of the house of commons, in the future resolutions of all public meetings, we hope that an immediate attention to the enormous debts still due to the public by certain noisy individuals, will be strongly recommended.”

Mr. Fox declared, that the matter contained in the context was no palliation.

Mr. Ward replied, that though it was no palliation, it afforded

forded a good and sufficient reason for having the whole inquiry prosecuted with temper, particularly by persons whose families might appear to have been defaulters to a considerable amount.

Mr. Sheridan did not mean to enter into the debate. Indeed the house seemed to be agreed as to the general question. It was not his wish to endeavour to crush any individual, neither should he depart from that temper, which had been adverted to by the hon. member, in whatever share he might have in the discussion. He had risen merely with a view to the notice that had been given by the right hon. member (the chancellor of the exchequer) of a motion for continuing the commission of naval inquiry. If it was right that the commission should be continued, it was also right that the characters of the commissioners should be maintained. If they deserved the character that had been given of them by the learned gentleman (Mr. Ward), if the hon. baronet at the head of the commission merited the observation of the learned gentleman, that he was not fit to be at the head of the commission, unquestionably if the commission was to be renewed, they ought not to be appointed on it. But in order to vindicate the character of the commissioners from the effect of such insinuations, he felt it his duty to give notice, that, on Wednesday next, he should move the thanks of the house to the commissioners of naval inquiry.

Mr. P. Moore contended that the commissioners had not reported of Mr. Wilson his having refused to answer any questions that might criminate himself, because it appeared by the report, that when asked whether he had derived any profit from the use of the public money, he had positively declared that he had not. The report of the commissioners only charged him with having declined answering questions which, in being answered, would expose the guilt of others. He should ask the learned gentleman opposite, whether, if a witness were to decline answering questions of that description in a cause before the King's Bench, he would not be committed to prison? As to the conduct of the right honourable the treasurer of the navy, it appeared that the first application had been made to him on the 10th of July, a second on the 17th, and no answer having been returned, a third application had been made on the 2d of October, and it was not till the 3d of October that an answer had been returned, after he had taken the opinion of his majesty's attorney and solicitor general, whether he was bound by the act to obey the precept of the commissioners. He put it therefore to the good sense
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of the house, whether the right hon. gentleman had accurately acquitted himself of his duty? When the right hon. gentleman had been asked on a former occasion, whether he had dismissed Mr. Wilson, it was his opinion, that the question ought to have been carried further, whether he had dismissed himself? For when a public officer opposed himself to an inquiry relating to the public money, for the purpose of sheltering the delinquents, his guilt was nearly equal to that of the man who declined answering lest he should criminate them. He was happy, that his hon. friend had given notice of a motion of thanks to the commissioners; for if no other member should bring the matter forward, it had been his intention to have given a similar notice previous to the adjournment.

The original motion was then put, and Mr. P. Stuart ordered to attend the house the next day.

LORD MELVILLE.

Mr. Whitbread having inquired if the answer which his majesty had been pleased to return to the resolutions of the house which had been laid before him on Thursday the 11th current, had been reported to the house,

The Speaker said that he had thought it a proper mark of respect to his majesty and to the house, to make the communication of the answer of his majesty the first business of the day.

On the motion of Mr. Whitbread his majesty's answer was again read.

Mr. Whitbread then said, that he could not forbear expressing his astonishment that, after such an interval, no step had been taken to evince his majesty's sense of the importance of the resolutions of that house. Several gazettes had appeared since the resolutions were carried up, and none of them had announced that the name of Lord Melville had been expunged from the list of his majesty's privy council. Neither had the house been informed that night that his majesty had given orders for the books being laid before him for that purpose. Unquestionably there had been proceedings for the few last days which might have contributed to occupy his majesty's attention from this subject. He was, therefore, anxious to know from the right hon. gentleman, (Mr. Pitt), before he gave notice of any motion on the subject, whether it was that right hon. gentleman's intention to recommend to his majesty to expunge the name of Lord Melville from the list of the privy council.

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The *Chancellor of the Exchequer* said that he did not feel himself bound, in consequence of any thing that had occurred in that house on the day when the resolutions of parliament had been ordered to be laid before his majesty, to give any such advice to his majesty as that which the hon. gentleman supposed. On the evening of Wednesday, a motion to address his majesty on that subject had been made, and had afterwards been withdrawn, as it did not seem to be the sense of a great many members who had supported the original resolutions, that the house was in a condition at the moment to proceed to such an extremity. It was then argued that a removal from any place of trust and confidence would be sufficient, till farther light was thrown on the subject, by it having been ascertained by a select committee how far the noble lord was implicated in the business. A suggestion, however, was thrown out, that the noble lord, though he had then retired from office, might be again restored, and hold other places of trust and confidence, and it had been proposed, as a step which would be sufficient to guard against this circumstance, that the resolutions of the former night should be laid before his majesty. In this proposition he had concurred. But he certainly did understand it to have been the opinion and sense of the house, that that step would of itself be satisfactory; and under that impression he had not thought himself called on, nor did he now feel himself called on, till he was otherwise instructed by the house, to make any recommendation on the subject to his majesty.

Mr. Whitbread thought that a sense of duty should have dictated to the right hon. gentleman to have formed a different conclusion from that which he had now professed. Indeed it had seemed to him absolutely impossible, after the solemn manner in which it had been determined that the resolutions of that night should be laid before his majesty, that the right honourable gentleman could have abstained from recommending to his majesty a measure which seemed so naturally to follow from the knowledge of those resolutions. He could not figure how it was possible in more pointed terms to have expressed the sentiments of the house. The step which they had adopted was, to his conception, equally marked and pointed, as if the motion which he had that night submitted had been agreed to. If, however, the right hon. gentleman thought that he had sufficiently satisfied his duty by allowing things to remain as they were, he (*Mr. Whitbread*) felt that he would not discharge his without giving notice of a motion, similar

similar to the one which he had formerly withdrawn, for the first open day. He then fixed Tuesday next for that purpose.

Mr. Whitbread then proceeded to call the attention of the house to the subject of the motions of which he had given notice previous to the recess. He could not forbear from congratulating the house on the sense which seemed so universally to be entertained out of doors of the conduct of the house in the votes which they had already passed on the subject of national abuses. The right hon. gentleman opposite to him seemed also sensible of the general spirit which had been awakened through the country. He had that night, prematurely in one sense, and tardily in another, given notice of a motion which he unquestionably meant in some shape to meet the wishes of the people. In doing so, however, was not the right hon. gentleman taking the business out of the hands of other hon. gentlemen, who had already given notice of similar intentions? That was not a novel practice, now for the first time adopted by the right hon. gentleman. It happened some years ago to him (Mr. Whitbread), on which occasion the right hon. gentleman took a business out of his hands, but never did any thing under it. The right hon. gentleman had indeed given notice of a much more extensive motion than had yet been proposed; but whether he had done so in consequence of hearing that such an intention had been declared in another quarter, and wished to take it out of their hands for the purpose of doing it away, he should not at present pretend to judge. If a new committee was appointed, he hoped it would be characterised by equal fidelity with that which had distinguished the commissioners for naval inquiry. The right hon. gentleman had expressed a doubt if there existed any lavish or improper expenditure in the military department. On that subject he (Mr. Whitbread) entertained no doubt. He was convinced that, in the military department, as gross a system of peculation and plunder existed as had already in part been discovered in the naval expenditure. An hon. gentleman, a friend of the noble lord, had, in vindicating him from the present charge, asserted that he possessed opportunities in another department of making an immense and rapid fortune, without any chance of detection. That hon. gentleman was well acquainted with the truth of what he stated: and was it to be supposed, after what we had seen, that such opportunities did exist, and that, too, without the possibility of detection, and that no advantage was taken of them? The thing was hardly to be looked for. The first motion which he should

now submit to the consideration of the house was for a select committee, for taking into farther consideration the tenth report of the commissioners of naval inquiry. There were still some dark parts in that report, on which he wished that farther inquiry should take place. It was not his intention to enter at any length into what passed on the last debate on the subject, farther than to say, that he thought the right hon. gentleman opposite had not paid that proper respect to that house, and to the commissioners acting under their authority, which might have been expected, in not dismissing a person who had refused to answer the questions put to him, when called on under an act of parliament to give evidence. Would it be maintained that every witness was to be entitled to decline answering any question which might be put to him on the pretence that it might criminate himself; and that the judge was not entitled to ask in what respect, and to ascertain whether the allegation was real or feigned? The right hon. gentleman himself actually condemned Wilson, and condemned his own conduct by the apology he now made for both. He now confesses that the clause of the act of parliament does not apply to Wilson. According to his own account, Wilson tells him, and he now tells the house, that Wilson was the instrument and tool of Trotter. Would his being so involve him in legal, or even moral guilt, so as to excuse him from answering questions? The pretence was ridiculous; it was to screen his principal, not himself; for, as being merely a tool, any answer he might have made, might have gone to exculpate, but could not criminate himself. Equally well might the printer of the stamp on which the order was written, have refused answering any question which might have been put to him, lest he should criminate himself. Another hon. gentleman had been much offended at an expression which had fallen from the hon. president of the board of inquiry—that he took blame to himself for not having committed Wilson to prison. He hoped that hon. gentleman would attend on the night when the vote of thanks was to be moved to the commissioners of naval inquiry, and would then state what he had alleged that night, that, in consequence of the declaration, the hon. president ought to be dismissed from his situation. He (Mr. Whitbread) declared, that had he been in the place of the hon. baronet, he would have committed not only Wilson, but Sprott also; and so, he hoped, would every commissioner of inquiry feel himself inclined to act. It was not his wish to trespass on the time of the house, and he should, therefore, conclude

conclude by making his first motion, for the appointment of a select committee to make farther inquiry into the matters contained in the tenth report of the commissioners of naval inquiry, and to report to the house.

The *Chancellor of the Exchequer* thought it would be unnecessary for him to trouble the house with many words relative to the object of the hon. gentleman's motion, yet before he should say the few words that he meant to use on that subject, he should make a few observations on the other topics to which the hon. gentleman had adverted. The hon. member had stated that, by his notice, which he had represented as premature, he had taken the business out of the hands of the learned gentleman (Mr. Giles). Now he spoke in the hearing of that learned gentleman, and if he had ever a clear recollection of what passed on any preceding occasion, he could confidently affirm, that the notice of the learned gentleman had been purely conditional, having been neither more nor less than a notice, that if ministers did not bring forward the question, he should. When the learned gentleman had given a notice to the same effect at an earlier period of the session, he then had declared himself as completely as he did in this instance, desirous that full time should be given to the commissioners to finish their inquiries, and the objection that he had then made to it was, that the motion, so early in the session, was premature, and that if towards the close of the session it should appear that their inquiries could not be concluded within the session, he should then move for a further continuance of the commission. The period of the session was now advanced, and they had made only one report since, whilst many important objects of investigation remained still unreported. Whether the learned member had given his notice or not, it would have been his duty, as it was his inclination, to submit the motion to the house. As to the reports of the commissioners, he was one of those who was not afraid to say, that there were many things in them which in his conscience and judgment he could not approve; but still, under all the circumstances of the case, he was of opinion that the commission ought to be renewed. He put it, therefore, to the candour of the hon. gentleman, whether the charge of taking the business out of the hands of another was well founded, and trusted that what he had said would be satisfactory to him and to the house. With regard to the other notice which he had given, he had thought it desirable that an inquiry should be made into all the branches of the military expenditure, and

from the circumstance of the discovery of flagrant abuses in one branch of the public expenditure, it appeared to him to be the duty of parliament to inquire into every one of them, to apply remedies where there were defects, or even, if necessary, to adopt further proceedings for the punishment of delinquency. He had not, as represented by the hon. gentleman, expressed any expectation that no abuses would be discovered in this department; for he had clearly expressed, that either the country would have the satisfaction of finding that the public money was faithfully applied, or that, if malversations existed, the delinquents would be brought to punishment. It was scarcely possible, that in so great, so immense, so growing an expenditure as ours had been, from the unavoidable consequences of the circumstances that had taken place of late years, abuses should not be found, from which no administration could be free. But whatever might be the abuses existing, he trusted that the house would prosecute the inquiry with temper. He was desirous that the commissioners should be invested with powers to examine on oath, in order to enable them to frame their decisions according to the purest principles of immutable justice. As to the motion of the hon. gentleman, he felt no objection to the general object of it. There was one point, however, to which he should shortly advert, he meant the insinuation that he had been implicated himself in the charge of irregularity; and it afforded him considerable satisfaction, that by the appointment of the committee, the house would have the opportunity of investigating this charge fully. He did suppose, that any one who knew him would not imagine it possible that he could be a party to any transaction from corrupt views. But he did not wish to rest his justification on the partiality of his friends, or on that favourable opinion, which he was flattered with knowing a considerable portion of the house to entertain; he wished the facts to speak for themselves. As to the other part of the motion, he did not think it would be proper to refer the whole of the report to the committee, as he understood that the second motion of the hon. gentleman was to direct a prosecution by the attorney general. If the inquiry was to be prosecuted by bill of discovery as to the question of participation, it would be improper to refer that part of the report to the committee, or to establish two concurrent and collateral investigations. He did not think, therefore, that any part of the report which was to be the object of the bill of discovery, should be subjected to the inquiry of the committee.

tee. He was indifferent whether his object was to be attained by amendment, or by an understanding that such parts only of the report were to be submitted to the committee as should not be the subject of investigation in the other course of proceeding. He had prepared some words, which he should move by way of amendment, as most consistent with form. The right hon. gentleman then moved, "That a select committee be appointed, to consider further of the matter contained in the tenth report of the commissioners of naval inquiry, so far as the same relates to the application of sums granted for navy services to other branches of the public service; as also to the irregularities committed in the mode of drawing the money granted for the service of the navy from the bank, and to any communications that might have been made to the chancellor of the exchequer, or the lords of the treasury, relative to such irregularities; and to the proceedings that might have been taken for recovery of the arrears due of the late Mr. Jellicoe."

Mr. Fox agreed with the right hon. gentleman, that if a prosecution by the attorney general should be ordered by the house, the committee should not interfere with the matter of that prosecution. There were other parts, however, of the report that should be investigated. He thought the house ought to adopt some course for admonishing, as a milder term than censuring, the right hon. gentleman opposite (*Mr. Canning*), for having done as much as in him lay to screen *Mr. Wilson*, but this should be matter for a separate motion. This brought him to the most important part of the question. Their intention ought not to be simply an inquiry into the abuses of the naval and military expenditure. That undoubtedly was the first object, but they should shew that they were determined to act like men that were serious. In order to render the inquiry effectual, they should give countenance and encouragement to those who executed it. The commissioners had discharged their duty honourably, and with a perseverance and courage that few men would be likely to exert. If the house should accede to the motion of the right hon. gentleman for the committee, he trusted that the members of it would act with the same ability, integrity, and pertinacity, that the naval commissioners had displayed; as the house ought to encourage those who promote the inquiry, so they ought to discountenance those who should impede it. If they employed the attorney general to prosecute in this instance, though he had not heard him take any part on this question,

question, he could not think that they should employ one who would not be a willing agent. He had no doubt that the right hon. gentleman (the chancellor of the exchequer) would replace the commissioners, and that even the hon. member (Mr. Ward) would vote for replacing them; but they were not to be considered willing supporters. When the other bill should be brought in, the house would look upon it with jealousy. When it was considered that the bill was to be brought in by a man who was the protector of public delinquents, he could not help thinking that it was in unfortunate hands. If it had been moved by any other member, by any hon. friend on his side of the house, it would have been much more likely to be effectual, than when moved by a first lord of the treasury. When he considered that this right hon. gentleman had been minister during the whole time the abuses were carrying on, he could not think him the proper person to bring in such a measure. He trusted the house would take care to have proper persons appointed in the committee. If that right hon. gentleman had had the appointing of the five commissioners of naval inquiry, would they have had the tenth report? He hoped that the gentlemen who should be appointed would do their duty. It was natural that in appointing them, the favourable opinion of the gentleman who names them of those who concurred with him in opinion, would lead him to appoint only such. They could not prevent such partiality, but they could promote the effect of the inquiry, by encouraging those who assisted, and reprobating those who thwarted or obstructed it. He did not think that the inquiry should be restricted by the words of the amendment, but he submitted to his hon. friend, whether the motion for the prosecution might not be better postponed till after the committee should have reported, and ascertained by their inquiry what persons have been connected with the delinquents. The right hon. gentleman (the chancellor of the exchequer) had that day more openly than on any other occasion avowed his disapprobation of the conduct of the noble viscount, but he had also declared, that he did not look upon it as his duty to advise his majesty to any other step, unless the house, by a fresh decision, should make it necessary for him. All were acquainted with the conduct of ministers. Some inquiries they set on foot themselves, whilst they took up others, lest they should be driven to them; and it was rather an unfortunate circumstance that the inquiry was in such hands. There had been several commissions of inquiry, but the

the late discoveries shewed how little had been done on their reports, as well as what they might have discovered.

Mr. Whitbread was desirous that no motions introduced by him, should either clash with each other, or interfere with the ordinary course of the distribution of justice. A very material part of his inquiry was, whether Lord Melville had participated with Mr. Trotter, and that the public expected to be ascertained. He submitted to the learned gentleman opposite, whether consistently with his object he could agree to the amendment.

Mr. Sheridan perfectly coincided with his hon. friend, that if they were to go into the inquiry, the prosecution should be suspended until after the committee should report. As to the notice that had been given by the right hon. gentleman, who was to be the patron of reform, he did not think him the most proper person to bring the matter forward. It had not been his fault, that the business had not been brought forward before; and he was certain, that the right hon. gentleman had known that it was the intention of an hon. friend near him to give a similar notice that evening, if he had not been anticipated by the right hon. gentleman doing what, no doubt, was competent to him in giving his notice first. The hon. gentleman had expressed his desire to have the committee appointed, in order to clear up the imputation against himself. The motive was honourable, but until the report shall be made by the committee, that right hon. gentleman must be under suspicion, and be considered as on his trial, and therefore he repeated, that until he should be absolved, he was not the fittest person to institute an inquiry. He understood that the object of his motion was the military expenditure in all its branches. This embraced a number of important inquiries, the barrack department particularly, in which he was satisfied abuses did exist; but it was not to be forgotten that the first lord of the treasury was intimately connected with all these departments, and that he would be the first person that would be likely to be called on for information by the commissioners. But was there no other object of inquiry? Was not the treasury itself, the channel through which the whole of the expenditure of the country passed, a fit object of inquiry? Were there no contracts or other practices that might be brought to light? The inquiry he thought should be general, but insisted that the right hon. gentleman was not the fittest person to institute the measure.

Mr.

Mr. Canning reminded the hon. gentleman (*Mr. Whitbread*) of a former profession he had made—that of being ready to co-operate with his right hon. friend in any measure that had a tendency to promote the object he had in view. His right hon. friend had no design of delaying the inquiry; he was only of opinion that, if it was the intention of the hon. gentleman to move for a legal prosecution, it would be proper to give that motion precedence of the other. The propriety of this arrangement was obvious; for those persons who were to be subjected to legal inquiry were not to be expected to give any answer before the committee that might tend to criminate them before a court of justice. Such an arrangement, therefore, would defeat the very end of any legal proceeding, and cramp at the same time the inquiries of the committee, as those persons were the only evidence from whom they were to derive their information. In regard to the amendment proposed by his right hon. friend, he entirely concurred in thinking that the committee ought to be confined to their proper object, and not to interfere in such points as should be judged necessary to be referred to a court of justice. If, therefore, the motion for a legal inquiry was first fixed, and the object or objects of that legal investigation determined, the committee would have the advantage of knowing to what objects they were to confine their exertions, and would be relieved from that part of the subject which would come under the cognizance of a court of justice. From the disposition the hon. gentleman seemed to be in the last night this subject was before the house, he did not think he could have any objection to such an arrangement.

The *Chancellor of the Exchequer* disclaimed every idea of being implicated in any of the charges adduced by the tenth report, and challenged any gentleman to point out a single passage in the report that implicated him in any respect.

Mr. Fox, admitted that there was no passage, to be sure, that directly implicated the right hon. gentleman; but the article relative to the money for secret service, though it did not mention him by name, would certainly lead to a decision how far the right hon. gentleman was involved.

Mr. Grey was of opinion that it would be impossible to carry on the two inquiries together, and to give up the question entirely to the attorney general was giving up too much. There was presumptive evidence, he thought, for concluding that Lord Melville had participated in the emoluments diverted

verted from the public service, and had therefore been of opinion at one time that it would be better to refer this part of the business to the attorney general, and to appoint a committee to go on with the other objects of inquiry. Should the house, however, be of opinion that the whole business should be referred to the committee previous to any legal inquiry, he would willingly accede to it.

The *Master of the Rolls* declared it to be the practice of the house of commons, that whenever any point was determined by them to be referred to a court of law, all further inquiry and investigation cease in the house. In that case partial inquiry might take place, to ascertain whether or not it was proper to prosecute, but no further. Should the house choose the other alternative, they must abandon a civil process. The prosecution could not then be carried on to recover the public money, but the inquiry might be pursued for the purpose of inflicting punishment on those who had embezzled it.

Mr. Fox saw nothing improper in uniting the inquiry by a committee with the prosecution by law, and cited several precedents in support of his opinion.

The *Master of the Rolls* observed, that in those precedents the matter investigated had always gone in the first instance before the committee, and had never been primarily discussed in the house.

Mr. Kinnaird said, that the object of the present investigation was twofold; in the first place, to ascertain from an examination of various parts of the report, the practicability of recovering the public money, and then to discover whether there were not grounds sufficiently strong to authorize an impeachment. If the house was under the necessity of relinquishing one of these points, he should certainly prefer abandoning the former. He entreated the house to consider whether the public would be satisfied with a civil suit if there were grounds sufficiently strong for an impeachment. He saw no objection to appointing a committee with extensive powers, which powers might be diminished by the house, should they deem a prosecution necessary.

Mr. G. Ponsonby was not for referring this matter to the attorney general. Suppose the house were to order the attorney general to file an information in the court of exchequer, compelling Lord Melville and Mr. Trotter to render accounts of the public money; and suppose they found that they would be liable to pains and penalties for what they had done, they

would then, he believed, be entitled to what is called "demur." The learned gentleman on the other side, as he thought the conduct of a person justifiable who availed himself of a clause of an act of parliament to refuse giving satisfaction to the naval commissioners, was not very likely to press this point against them. If it had happened that Mr. Trotter had charged no interest on the large loans with which he had accommodated Lord Melville out of the public purse, the conduct of Lord Melville in accepting such a favour was incontestibly corrupt; but no filing of an information could reach him. If however such a circumstance could be discovered in the course of the investigation before the committee, that committee would know how to deal with the noble lord. The house would be justified in giving an opinion, which a court of equity would not. He did not wish to speak too harshly of the delinquents. He felt for them, the truest commiseration; but he was convinced, that the public would think the house of commons had failed in their duty, which was to take the most effectual means of coming at the truth of these transactions, did they abandon the inquiry to other hands.

Lord Henry Petty felt the greatest reluctance to accede to any motion which would prevent or retard the proceeding of a select committee. Whether or not the referring certain points for prosecution by the attorney general would have that effect he knew not. From the investigation of the report of the commissioners of naval inquiry, this one great conclusion had been drawn, viz. that Lord Melville had been guilty of a gross violation of the law, but did it follow that no other conclusion might be obtained by a further examination of that report? Did it follow that the house were to suspend the exercise of their judgment on this subject, and depute it to others? It should be the first consideration of the house to ascertain the whole extent of the business, and they might then ground any legal proceedings on that knowledge that they thought proper. The noble lord, therefore, wished, that the motion for ordering the attorney general to prosecute should be delayed, and he hoped that his hon. friend would persevere in his original motion.

Mr. Whitbread declared his intention of abandoning his motion for a prosecution by the attorney general, but of persisting in that for a select committee, with full powers.

The *Chancellor of the Exchequer* feeling that there were some points

points which might, with more propriety, be examined in a court of law than in a committee of the house, asserted his determination to persevere in his amendment.

Mr. Whitbread accused the right hon. gentleman of veering in his opinion.

The *Chancellor of the Exchequer* observed, that the hon. gentleman, finding that part of his plan was not ripe for execution, had relinquished it, and he now accused him of fluctuation of opinion.

Mr. Whitbread allowed, that when he came down to the house he thought the two modes of prosecution and inquiry by a committee were compatible. He trusted that he never should have the arrogance to persist in an error, after he had been convinced it was one.

The *Chancellor of the Exchequer* only hoped, that when the hon. gentleman changed his opinion he would not call it *his* change.

Mr. Whitbread said, he had not changed his opinion, he had only changed the grounds of his opinion.

Mr. Grenville stated the question, which was, whether the house should reserve to themselves the entire power of investigating the whole of the report, or refer a portion of it to the prosecution of the law officers. If the house adopted the former proposition, he could not easily be persuaded that to that a reference to a court of law might be united. He confessed he was inclined to pursue the latter; and a great reason for this preference was his not being able to discover what other superior means of arriving at the truth a select committee could possess over those belonging to a court of law. Why was it expected that a select committee should do more than the commissioners of naval inquiry, with all their extensive powers, could do? On the contrary, in his opinion, all that was wanting in the board of commissioners could be supplied by a court of law, and by that alone. He sincerely wished his hon. friend had been induced to move, in the first place, that the attorney general be directed to prosecute, and in the second, that a select committee be appointed to examine those parts of the tenth report which were not included in the matter for prosecution. Both his hon. friend's original motion, and the amendment by the right hon. gentleman opposite being however adhered to, and the question now being, whether a committee should be appointed with extensive powers, or a committee with limited powers, he was certainly disposed to vote for a committee with extensive powers, repeating,

ing, at the same time, that he should have preferred the mode which he before alluded to.

Mr. Windham observed, that his sentiments were so completely in unison with those of the learned gentleman on the other bench (*Mr. Ponsonby*), and with those of the noble lord who followed him (*Lord H. Petty*), that he should not feel it necessary to trouble the house at any great length on the subject. He certainly wished that the committee should be vested with extensive authority. As to the amendment proposed by the right honourable gentleman, even if it were necessary, it by no means included what it was intended to include. The true and accurate way of describing it would be to give to the committee what was not given to the law; but in his opinion the house should first fully discharge their own duty before they delegated their power to other hands. A doubt had arisen in his mind on one of the points which had been introduced into the discussion. It seemed to be taken for granted by some gentlemen, that the house must make an option; that they were not at liberty to pursue the inquiry generally themselves, and then refer the examination of parts of the subject to another tribunal. In this opinion he certainly could not concur, although he was not prepared to contradict it. For his part, he saw no reason why these two measures were incompatible. He could not see why such an union was inconsistent with our jurisprudence. If, however, the house must either give up the prosecution by the law officers, or the institution of a select committee, he would certainly not hesitate in recommending the former. Compelling the delinquents to refund the public property which they had amassed, was an object of infinitely less consequence than that a full declaration of the judgment of the house of commons on them should be made. That which was the instant and immediate duty of the house should first be performed. He deprecated the possibility of their power slipping into hands which, as had been stated by a learned gentleman, might not be able to effect any beneficial purpose; and there was then no return; the house could not resume what it had rashly abandoned. Under these impressions, he should give his decided vote for the motion of his honourable friend.

Lord Castlereagh controverted several of the arguments of *Mr. Windham*, and contended, that a court of law was much better suited to the complete investigation of certain parts of the report than a committee of that house. Unless the committee could enter into a covenant with the individuals examined

mined before them, that their evidence should not serve as a basis on which to found legal proceedings, not much could be expected from those individuals; and in such a covenant it was not in the power of a committee to engage. What then would be the consequence? The business would come back to the house without having been investigated. He was sure that his right honourable friend was willing to include in his amendment every point of the report except those which he wished to refer to the management of the law officers.— Were the amendment agreed to, it would be competent to any gentleman at a future period to move for additional powers, if such were thought necessary.

Mr. Bankes argued the expediency of appointing a committee of inquiry, and on their report instituting any legal proceedings. He had no doubt that he differed from all parties in the house, when he expressed his wish, that the matter should be referred back to the commissioners of naval inquiry, arming them with fresh powers, that they might be enabled to prosecute their researches to the desired point. The gentleman expressed great doubt, whether the individuals accused could be compelled to refund the public money, asserted that considerable difference of opinion existed on the subject among several sages of the law, and observed, that in 1782 and 1783 a similar circumstance had been debated in the house, the result of which was by no means favourable to the hopes of those who thought that such repayment could be compelled.

Mr. Serjeant Best opposed any recourse to courts of law, and combated the assertions of Lord Castlereagh, who had maintained that in a committee no evidence would be obtained from the apprehension that such evidence would be made use of against the parties affording it. All that could be got by law would be the restitution of the public money, a trifling object when compared with the exemplary punishment which ought to be inflicted on the peculators. The amendment to the motion of his honourable friend was extraordinary. The public was anxiously wishing for further inquiry. An honourable member proposes a committee to be appointed for that purpose, when up starts the right honourable the Chancellor of the Exchequer, and instead of allowing to that committee the enjoyment of full powers, wishes to fetter their operations in the very outset, and all this without any substantial reasons assigned. He hoped the right honourable gentleman would not press his amendment; if he did press it, he trusted the house

house would not agree to it; he was convinced the country would feel most seriously disappointed.

Sir J. C. Hippisley said, that although he had taken no part in the proceedings hitherto, (being withheld from considerations which were perfectly justifiable in his own mind,) he could not refrain from making a few observations on some parts of the evidence contained in the report of the commissioners, as it had given place to much misapprehension. It was a great misfortune in itself, for any individual to fall under the censure of that house, and it needed not to be aggravated by representations which, by implication, went even to a charge of constructive perjury against one of the persons who was an object of the resolutions.—*Mr. Trotter* had stated before the commissioners, upon oath, that all the drafts made on the bank, were strictly conformable to the provisions of the act. The evidence of *Mr. Abraham Newland*, who must be considered as a host of credit and presumed accuracy, was directly opposed to that of *Mr. Trotter*, and it needed not to be insisted upon, on which side the public, and possibly the house, might lean in respect to these contrasted facts. It occurred, however, that after the resolutions had been voted, an honourable member who was himself a bank director had expressly stated in his place, on the second night of the debate, that upon an accurate examination of the books of the bank, it appeared that all the drafts of the treasurer and his deputy had been drawn in strict conformity to the act, and consequently that *Mr. Newland* was mistaken in the evidence he gave before the commissioners. This important fact was adduced by the honourable member in justification of the bank, of which he was a director; but it is fair also to refer to it in exculpation so far of *Mr. Trotter*, who otherwise must labour under a suspicion of having sworn what was untrue. It appeared that *Mr. Newland* was not charged with the department in which the drafts were presented. A right honourable friend below him had disclaimed all vindictive measures, and observed that the proposed proceedings in the exchequer might possibly go to the ruin of the individual, in the present instance, without answering completely the ends of public justice, which might possibly be better effected by the appointment of a committee with full powers, at least in the first instance. Another honourable gentleman had expressed feelings highly creditable to himself in declaring that his commiseration for those who fell under the weight of the recorded displeasure of this house, went hand in hand with his desire

to

to pursue all that justice required! The honourable baronet therefore trusted that no prejudice would operate on the minds of any gentleman within that house, but that those who had fallen under its censure would be enabled to meet whatever proceedings might be instituted against them without any prejudice from unsubstantiated charges or misrepresentation. Another circumstance also had been much insisted upon to the prejudice of the late paymaster, viz. the advice he gave Mr. Tierney on quitting his office, which that gentleman had followed, and which had been considered as resulting less from a desire to be serviceable to the public than to bar the advantages (as the commissioners had reported) of his successor. To this fact the honourable baronet appealed to Mr. Tierney himself, who did not appear, as far as he had understood him, to have considered it in that view, but merely as growing out of a conversation on the means to avoid accidental loss on the transit of money from the bank to the office. The honourable baronet avowed a remote family connexion with the late paymaster, but he trusted that he might be allowed to indulge his feelings to a certain extent in consequence of that affinity, without being suspected for a moment to entertain a wish to check the course of public justice, as applying to Mr. Trotter or to any other person who stood under the censure of that house. He trusted also that whatever proceedings might be adopted by the house, their justice would be tempered with mercy. He then adverted to the prevalent prejudices in the public mind with respect to Mr. Trotter's great accumulations, but he could venture to assure the house that the "immense palace" so often adverted to was nearly as visionary as the "palace of Aladdin;" being a house of very moderate extent or accommodation, and upon which had been expended less than 8000l.; and further that the total of Mr. Trotter's income derived from all his real and personal property, without any reservation or subterfuge, did not exceed 1200l. a year. To these facts he could pledge himself, they had been ascertained to the satisfaction of a great number of persons, and he was assured that in whatever future proceedings the house might institute to obtain the full disclosure of Mr. Trotter's affairs, they would appear to the conviction of the house and the public.

Mr. Tierney remarked, that the drafts might be drawn according to the strict terms of the act, and yet the act be grossly violated. The object of the act was, that no drafts should be drawn by the paymaster of the navy on the bank, except

except for naval services. It was true that Mr. Trotter might use words expressive of different branches of naval service on his drafts; but the service existed only in his imagination. The public balances which by act of parliament were ordered to be vested in the bank were by Mr. Trotter deposited at Mr. Coutts's; and that not as paymaster of the navy, but in his own private character. Had any thing happened to Mr. Trotter, how would his estate have been administered? and if administered at all, how long would the public have been kept out of the money? He would allow Mr. Trotter some credit for the plans which he communicated to him to prevent the public money from running the hazard which it had heretofore done. With regard to the subject immediately before the house, it was certainly his opinion that Mr. Trotter should be prosecuted by the attorney general. This appeared to him to be the best mode of proceeding, but he was ignorant of law, and he regretted that the house had not enjoyed the advantage of hearing the law officers on this subject, whose opinion he was very desirous to obtain.—He could not see why a committee might not first be appointed, and the attorney general afterwards employed; first to discover if any interest had been derived, and then to ascertain the *quantum*. There was one principal point which the law officers could not determine, and that was, whether or not Lord Melville had participated in the fraudulent gains of Mr. Trotter. He was convinced that the public would with much more satisfaction see the house of commons retain the whole power of inquiry and punishment in their own possession than find them trusting it with others. Their proceedings would be attended with much more solemnity and effect.

The *Attorney General* would not enter into a comparison of the greater or less power which might be exerted by a committee of the house or a court of law: that of the committee might no doubt be the greater. But should it be the opinion of the house, that he, in his capacity of his majesty's attorney-general, should proceed against Lord Melville and Mr. Trotter for the recovery of the profits they may have derived from the use of the public money, he was ready to confess that, however he might proceed, they would still have the power to demur. So far, then, as an ample source of information might be expected to be derived from such a prosecution, that expectation might be frustrated. As to his own particular opinion, he was ready to say, that the law officers of the crown could undertake for nothing respecting the result, whether

ther a civil or a criminal proceeding was to be instituted. He at least should only say, that whatever he undertook, he should endeavour fairly and faithfully to discharge as his duty directed. Should the matter be brought before a committee, they might not hesitate to infer the guilt of the accused, should they take refuge under the protection of the law. In so doing the committee would, no doubt, go farther than a legal proceeding could attempt to go; yet as far as evidence could justify him, he should equally proceed to discover to what extent Lord Melville might have participated in the profits of Mr. Trotter, and how far, consequently, Lord Melville stood responsible to refund to the public. It was the inclination of his opinion, that if profits appeared to have been made by Mr. Trotter which could not be traced to Lord Melville, then he could not proceed on the principle to recover equally from Lord Melville. It would therefore be incumbent on him to examine to what degree Lord Melville might be responsible, and that extent must be measured by the nature of the evidence. The only and great difficulty was to ascertain that point before there was any regulation to ascertain it. But these profits had since been regulated, and if they could now be traceable to Lord Melville, they would no doubt be recoverable. The question would still remain, whether the profits were made by the public money, or by sums drawn in favour of individuals. This could as easily be ascertained in a court of law as by a committee, nay better. The committee might be excluded from most of the intelligence which might be procured by a legal proceeding. Even were the committee agreed to, Lord Melville and Mr. Trotter might still remain with mouths closed, and neither be convicted by themselves or any other means the committee could resort to. He should therefore vote against the committee, unless it were intended to follow up the report by some criminal proceeding.

Mr. Tierney, in explanation, said, that he wished it to be distinctly stated whether, if Mr. Trotter should state what was the amount of the profits which had been gained by the use of the public money, it would be consistent with the forms of law in that case to ask, whether Lord Melville had participated to any, and to what amount, in such profits?

The *Attorney General* stated, that he believed that, if it should be said that the public money which had been so improperly applied had been fully restored to their use, it would not be in their power to press the question farther.

Mr. Alexander observed, that he had always had the great-

est deference for public opinion, but he hoped that the day would never come when the house of commons would, contrary to their own good sense, be induced to adopt a particular line of conduct in consequence of any public clamour which might then be raised. He had attended minutely to the different arguments which had been used on both sides, and upon a serious consideration of the whole, it appeared to him that the mode of proceeding by law was the most temperate and dispassioned that could be adopted in the present instance.

Mr. Sheridan wished to make an observation or two upon what had fallen from the right honourable mover of the amendment. The amendment of the right honourable gentleman seemed to assume that the house had already determined the matter should be sent before a court of equity. A motion to that effect might have been intended; but reasons had been adduced to caution the house to pause before it was adopted. Perhaps the right honourable gentleman himself might make that motion, but he should not assume it to be already made and decided. He could not but commend the delicacy of the learned gentleman (the attorney general). The learned gentleman cautiously abstained from deciding whether a legal proceeding should be instituted or not. At least, he had given no reason to expect that any good could be expected to result from it; and all the other great law officers were equally silent upon that point. But what says the learned gentleman, "whatever may be the mode of proceeding may they not demur, and refuse to answer? and if they demur, where is the compulsion?" Before a committee, they could demur only under the protection of the fifth clause of the act. Still he would have Lord Melville and Mr. Trotter brought before the committee. Who could pronounce what might be in the contemplation of the committee to adopt; and if no suggestion had been thrown out of a prosecution by the attorney general, why should it be supposed that the committee would be found to institute one? The learned gentleman gives the preference to a court of justice; and for what reason? No doubt, only because it is proposed to limit and cripple the powers of the committee. There you might examine the books, the clerks of Messrs Drummond, or Coutts: there you might take *viva voce* evidence. What was the language held upon a former night? Was not the house told—Do not be rash, do not come to a vote before a select committee furnish you with evidence? Those therefore who then accused you of rashness,
are

are now themselves ready to vote for a prosecution in a court of equity, though no evidence is produced by the committee. In whatever light it was viewed, there was every reason to lament the proposed amendment of the right honourable gentleman. It would have the worst possible effect out of the house. Let it not be said, that house was already tired of the first appearance of the good that had been done. He was not one of those who exulted in the applause bestowed on the house for its first decision. That applause savoured somewhat of applause at seeing the house do its duty; it had done no more; was there room for surprise that such a resolution, after such evidence, should have been carried by a majority of one? For his part he hoped the public eye would remain steadily upon the business, and attend to see how it would be followed up; as anxiously did he hope, that the right honourable gentleman would not shackle the inquiry by any unnecessary restrictions.

The *Chancellor of the Exchequer* denied that it could be his intention to cramp the inquiry, as it was his wish that they should have the power to examine into every thing except what was referred to the law officers.

Mr. Fuller reminded the house, that an hon. member under the gallery (*Sir J. C. Hippesley*) had said that he could prove that the most magnificent edifices, and the most superb palaces, had been raised out of twelve hundred pounds a year! In such a case he should be ashamed to belong to any party, but he thought it his duty to recommend further inquiry into the business. A great deal had been said about the propriety of persons answering to questions which might tend to criminate themselves. He knew, without possessing at the same time any knowledge of the regular forms of law, that it had been the uniform practice of every villain at the Old Bailey, for these hundred years past, to say, "O Lord, I must not answer that question, because it may lead to convict myself!" But in honourable society, what would be said to a gentleman who would answer in this manner? On the other hand, if a person in office did honestly confess that he had misapplied the public money, but would prove that he had not done so to enrich himself, the generosity of that house, and of Englishmen in general was such, that he might be certain of being free from any further prosecution.

Mr. Fox said, that he never had more reason to rejoice at any thing than at the order with which his hon. friend (*Mr. Whitbread*) had brought forward his motion. Indeed he had

ample conviction from every side of the house, of the apprehensions entertained by the friends of Lord Melville. He was particularly satisfied with what fell from the attorney general. The learned gentleman fairly explained how he would proceed, and what were likely to be the consequences of such a proceeding. He did not hesitate to acknowledge the difficulties that might arise, when it came to be examined to whom the money which it was attempted to recover properly belonged; whether it was the money of the public, or of individuals. Should it turn out to belong to individuals, then the whole proceedings must fail. If the idea thrown out by the learned gentleman respecting what might be the result of the prosecution was correct, nothing could be expected from such a proceeding. The house then must be sensible that they would be guilty of a dereliction of their duty, if they surrendered the power of inquiring themselves into the whole business. Indeed the recovery of the money appeared to him not to be the essential part of the case. It was the character of the house that was at stake, and that ought to be anxiously attended to. They should be cautious to forego functions which were fundamental to the constitution, and which they should exercise immediately, and without any delegation to any other description of persons. The old proverb admonishes, do not do by another what you can do by yourselves; if that maxim be true respecting individual conduct, how much more so must it be with regard to the conduct of the house of commons? Let it not be said, that if the accused are again examined they may demur, they may refuse to answer. He was not for again examining Lord Melville or Mr. Trotter; there were other means of coming at the facts. Other persons and all the different accounts should be examined; but the whole of these matters should be left to the discretion of the committee. In the further inquiry into abuses, many things might occur that would enlighten and direct the researches of the house. He must again advise them not to let the powers of such inquiry go out of their own hands.

Mr. Canning was surprised how any man could accuse his right hon. friend of any intention to cripple the inquiry; it was only limited to the essential points it should have in view. Besides, his right hon. friend left gentlemen on the other side the option of which mode they should pursue. He could not but advert to the topic concerning which so much clamour had been raised out of doors. Nothing was so much insisted on as the loss which the public had sustained by these transactions.

actions. If there was a loss let it be ascertained; if not, let the mistake be corrected, and how could that be better done than by the mode recommended? How could the money be better secured than by a legal proceeding? It was rather wonderful that gentlemen, who in every other respect were so anxious to abide by what was prescribed by the commissioners, should, in this instance, refuse to adopt that authority. The commissioners pointed out the proceeding of a court of law, yet gentlemen now wished to shrink from that mode of proceeding. Indeed they seemed solicitous only to follow what made an impression out of doors, and to change their ground and shape their conduct in the manner the most likely to catch a few stray votes.

The *Solicitor General* was of opinion, that all the evidence which was desired to be brought forward, could be as well enforced in a court of law as in a committee of the house.

Mr. Fonblanque stated, that whatever might be the practice in the particular court to which the honourable and learned gentleman alluded, it was not so in that which he practised in.

Mr. Whitbread relied on the contradictions which had been given to the opinion of the crown lawyers, by such respectable persons in their profession as his honourable friends *Mr. Serjeant Best*, *Mr. Ponsonby*, and *Mr. Fonblanque*. If he should get any stray vote, it would be, perhaps, that of the right honourable gentleman himself (*Mr. Canning*), which it was not usual for him to have.

The house then divided,

For the amendment	-	229
For <i>Mr. Whitbread's</i> motion	-	151
Majority		78

Mr. Whitbread then said that he held in his hand a list of members whom he meant to propose to the consideration of the house, as fit persons to compose a committee to whom the subject should be referred. It was of the utmost importance that this committee should consist of persons whose character for talents, independence and integrity, should give confidence to the country, and he was sure that no objection would be made to any one of the names that he held in his hand. They were selected, without consideration to party, from both sides of the house. He read over the names, as follows:

Mr.

Mr. Baker,	Lord Archibald Hamilton,
Mr. Banks,	Mr. Madocks,
Mr. Blackburn,	Lord Marham,
Mr. N. Calvert,	Hon. T. Lascelles,
Hon. Spencer Cowper,	Sir John Wrottesley,
Mr. Creevey,	Sir Robert Peel,
Hon. Mr. Pierrepont,	Lord Henry Petty,
Hon. John Fane,	Mr. Sheridan,
Sir John Newport,	Mr. Whitbread,
Lord Folkstone,	Lord Robert Spencer,
F. Gregor, esq.	

and concluded with moving the first name, William Baker, esq. member for the county of Hertford.

The *Chancellor of the Exchequer* objected to this mode of naming the committee, and moved, as an amendment, that the committee should be chosen by ballot.

Mr. Fox expressed his astonishment that, on a subject of such moment, the right hon. gentleman should resort to this mode. Nothing but the most perfect publicity could satisfy the ends of justice, or convince the public that they were in earnest. That it was perfectly understood that a select committee of twenty-one, if chosen by ballot, was a committee of persons who, some how or another, spoke the sentiments of the minister, and if this were chosen in that way, jealousy and distrust would be the consequence. That this was a committee to try the ministers themselves, and that it was a monstrous thing that it should be nominated in a way that would countenance the supposition of influence.

The *Chancellor of the Exchequer* replied, that the mode of ballot was the ancient usage of parliament in such cases. That to the proceedings of committees chosen by ballot, the country owed the highest obligations, and he trusted his friends would not be diverted from following the ancient practice of the house in the best times by any insinuations of sinister motives.

Mr. Grey replied to Mr. Pitt, and the house divided on the motion for a ballot,

Ayes	-	251
Noes	-	120
Majority	-	131

The house to ballot for the committee next day.

Adjourned at half past one o'clock in the morning.

HOUSE

HOUSE OF LORDS.

FRIDAY, APRIL 26.

Counsel was farther heard for the respondent in the Scotch appeal, Blane against the Earl of Cassillis.

The *Earl of Suffolk* said, that he had a motion of the highest importance to submit to the house, the purport of which he had communicated to the secretary of state. His motion was of no less serious a nature than a charge of delinquency against the treasury of Great Britain. Preparatory to this charge, it would be necessary for him to move for the production of certain documents to instruct the same. He therefore moved, that there be laid before the house an account of the bills drawn from the West Indies on the treasury, from the 1st of December, 1798, to the 1st of December, 1802, distinguishing the amount, date, and time of payment of each.

Lord Hawkesbury would not oppose the present motion, as a parliamentary ground had been assigned for it. Such motions, however, too often proceeded from idle curiosity, and were particularly inconvenient, as they impeded the regular business of the public offices, in occupying the time and attention of the clerks from their necessary business. In matters of finance, too, more than common delicacy was necessary in the making of any disclosure. As however the noble earl had stated that he meant to ground a parliamentary inquiry on the papers now moved for, he esteemed that a sufficient reason to induce him to comply with the motion.

The *Earl of Suffolk* could not figure for what purpose the noble secretary had used the term "*idle curiosity*." The motion of which he had given notice was serious and important in its nature, and the noble secretary himself had confessed that the motion for the papers now moved for was founded on parliamentary grounds. He surely, then, did not mean to apply the term *idle* to the present motion.

Lord Hawkesbury explained, by assuring the noble lord that he had no such meaning, else he would not have agreed to the motion.

On the motion of the Lord Chancellor, who represented that an immense number of appeals were before the house, a committee was appointed to meet on Tuesday, to take into consideration the state of the appeals and writs of error before the house.—Adjourned till Monday.

HOUSE

HOUSE OF COMMONS.

FRIDAY, APRIL 26.

A new writ was ordered to be issued for the election of a member for Blechingly, in the room of James Milnes, Esq. deceased.

On the motion of Mr. Plumer, the River Lea improvement bill was read a second time and ordered to be committed.

The order for the recommitment of the prize regulation bill was read and discharged, on the motion of Sir William Scott. A new order was then made out for the 13th of May.

Sir John Newport stated, that papers on the subject of the expenditure of Ireland, which had been ordered on the 7th of March, had not yet been laid before the house. They were then ordered to be forthwith presented.

The Thames lastage and ballastage bill was read a second time; and upon the suggestion of Sir M. White Ridley, the commitment of the bill was put off to Monday fortnight.

Sir A. S. Hamond moved, that a letter from the comptroller of the navy on the 22d of April, on a subject mentioned in the eleventh report, be laid before the House.—
Ordered.

Mr. Greevey referred to some observations which had been made some time since on the subject of the revenue of the Isle of Man. It might be recollected that it was then stated that the surplus of the revenue of that island for six years had amounted to the sum of 20,000*l.* Upon inquiry into its application, it was said that in the year 1802, the sum of 3000*l.* had been paid into the exchequer, and passed over to the consolidated fund, notwithstanding there was a specific act of parliament against such application. Of course there was the sum of 17,000*l.* remaining for the purposes of the island. The honourable member then gave notice, that he would on Friday next move for a committee to inquire into the application of the remainder of the surplus of the revenue of the Isle of Man.

SELECT COMMITTEE.

The Chancellor of the Exchequer moved the ballot to be had for the appointment of a committee to inquire into the application of the public money in the office of treasurer of the navy.

The usual forms having been gone through, Mr. S. Bourne
stated

stated the question before the house to be that they should proceed to examine the lists, and declare which 21 members should form a committee.

Mr. Whitbread informed the house, that he then held in his hand a list of members who were recommended as the fittest persons to constitute this committee. The list had been circulated that morning, and he would be able to prove to the satisfaction of the house, that it was issued by the authority of persons holding high situations in his majesty's government, and who were likely to have a considerable degree of influence in that house. The list was as follows;

Lord Castlereagh	Mr. St. John
Mr. Whitbread	Mr. Foster
Master of the Rolls	Mr. H. Lascelles
Mr. W. Windham	Sir H. Mildmay
Sir W. Scott	Mr. S. Thornton
Mr. T. Grenville	Mr. J. Fane
Mr. Ryder	Lord Boyle
Lord George Cavendish	Mr. Cartwright
Lord Dunlo	Mr. Hawkins Browne
Lord W. Russell	Mr. Gunning.
Mr. Leicester	

The inference was too plain; and he was resolved, if there was no precedent on the journals in support of such a mode of proceeding, to exert himself to the utmost in order to prevent what must otherwise follow. He therefore moved that the names in the list to which he had alluded should be expunged from that out of which the committee was to be formed.

The Speaker, however, stated, that the only question before the house was, that a committee of 21 members be formed, &c.

Mr. Sheridan said that on great and important occasions like the present it had never been thought proper to resort to the ballot, because, however fairly the committee might be appointed by that means, it would leave room to suspect that they were altogether a mass of the nomination of the minister. On the greatest question that had ever been agitated in that house (*Mr. Warren Hastings's* prosecution) no man had ever thought of appointing a number of persons by ballot to conduct the investigation of the business; no, they were chosen openly by both sides of the house. On another occasion, however, where a ballot was going to be had for the appointment of a committee, he recollected that he had offered to

call in Joseph Pearson, their door-keeper, to prove the influence which was made use of in that particular instance, to swear to the fact, and to bring the charge home to the treasury. The house certainly did not think fit to agree to his proposition. But, in the investigation of business of such magnitude as the present, he hoped the house would think it more consistent with their own character and dignity to adopt that mode which would admit of the least possible doubt as to the purity of their intentions.

Mr. Whitbread, under the direction of the Speaker, specified in writing what was the object of his complaint, in order to make it a regular motion before the house. The words were nearly as follow: "That it is a high breach of the privilege of the house to circulate lists of persons fit to be appointed to serve on a committee to investigate business of great public importance."

Upon this the house divided,

Ayes 45, Noes 154.—Majority 109.

LIBEL ON THE HOUSE.

Upon returning to the gallery after the division,

Mr. Atkins Wright was speaking from the gallery on the subject of the complaint made the preceding day against the printer of a daily newspaper. Among other things, he observed, that the house would always promote its own honour more effectually by acting on the most temperate and dignified principles towards any person who should be found to have committed a breach of their privileges, than by making a display of the power which the constitution vested in them.

Mr. Grey declared that he had no sort of wish to insist on any vindictive punishment, since nothing but a conviction of the grossness of the libel could have induced him to bring the matter under the consideration of the house. He should never cease to be a friend of free and fair discussion, and should lament any attempt to abridge its exercise. In this libel, however, there was no discussion, there was not even an appearance of it. It was mere downright abuse of the decision of the house, and of the manner in which the abuse was conveyed every member had an opportunity of judging. Having brought the business forward, he left it to the house to decide what was the proper mode of proceeding to be adopted. If it was the general wish of members that the order of the day should be discharged, he should not press the matter to a division,

vision, though certainly this would appear very little consistent with the dignity of the house.

Mr. Atkins Wright again rose and conjured the house not to make this a matter of such consequence. He thought a bare reprimand would answer every fair purpose in view.

The Speaker suggested, that the original motion should first be disposed of, and then the house could more readily determine what course was to be followed.

Mr. Windham supported the necessity of taking some proceedings on the business, as it had been formally introduced. If nothing was done in the matter every libeller might suppose that he had a right to calumniate and insult every proceeding of parliament. He was a sincere friend to the liberty of the press, but he would never support its licentious abuse. At the present moment there was too much of this licentiousness, and if not in some way checked it would go to the degradation of every thing sacred in public life, or estimable in private conduct. It would lower that reverence which it was important for public men, and public bodies, to preserve, if such gross libels as those under consideration were allowed to pass over unnoticed.—Something, therefore, ought to be done in a case so gross, to deter others from similar practices.

Mr. Sheridan, with all his attachment to the liberty of the press, thought there was no occasion for any severe decision of the house on the present occasion. He could not allow that the libel in question was one of the grossest nature. It had been the lot of many members of the house to see libels, compared with which, this was scarcely worthy of notice. He could refer to various instances of such attacks, not on the proceedings of that house only, but the very existence of the democratical part of the constitution. He himself was a member of a committee appointed to report on the nature of a publication which boldly declared that the house of commons might be totally annihilated, and yet the other branches of the constitution might continue to flourish. A prosecution was ordered in that case. Yet when he recollected that an honourable friend of his had succeeded in persuading the jury that there was nothing improper in the publication, he thought it much better, that whatever proceedings took place should be kept in their own hands, instead of ordering a prosecution. He himself conceived that to call the offender to the bar, and to reprimand him, would answer every necessary purpose.

The Chancellor of the Exchequer felt himself fortified in his opinion

opinion of the preceding night, that it would have been better not to have agitated the business. As, however, it was brought under the notice of the house, it was necessary that something beyond a reprimand should take place.

Mr. Fox gave it as his opinion, that the matter of this libel was more fit for the house than for the decision of a jury. He was anxious that something should be done in the business, as at the present moment there might be a danger of the house being attacked for shewing a disposition to keep a strict eye on the executive government. Those guilty of libels against the executive government were afraid of exemplary punishment, and it certainly ought not to go abroad as an idea that any libels on that house, however gross and licentious as this was, might pass unobserved and unpunished. As to this libel, he remembered nothing at all equal to it in indecency, and if the house were to take any notice of such aspersions on their proceedings this was one not to be lightly passed over.

Mr. W. Smith was not for a severe punishment, though he admitted the grossness of the libel. The part of it which struck him as most deserving of punishment, was that which accused the decision of the house for its intemperance. This was nothing short of an attack on the judgment of the speaker himself, who could not, on any pretence, be accused of partiality or heat, but who had, by his casting vote, procured that very decision, against which the greatest asperity of the libel was directed.

Dr. Laurence thought it the more necessary for the house to interfere, as the libel was against it, not in its political, but judicial capacity.

The motion for calling *Mr. Stuart* was then put from the chair, and carried without a division.

Mr. Stuart being then ordered to the bar, was shewn the paper containing the offensive matter, which he acknowledged as having been printed and published by him. He was then asked—"What he had to say for himself?" when he shortly addressed the speaker as follows:—

"Permit me, sir, to assure you, that I very much regret that any part of the contents of my paper of yesterday should have incurred the displeasure of this honourable house. If, sir, I have expressed myself too warmly in favour of Lord Melville—for whom I shall always entertain the highest respect and esteem—I beg that this honourable house will view it as the unguarded language of the heart, and not a wilful intention to provoke the censure of a power on which our dearest rights
and

and liberties depend. I intreat you, sir, that some allowance may be made for that freedom of discussion of public affairs which for a long series of years has been sanctioned by common usage; and that the hasty composition of a newspaper may not be considered as a deliberate design to offend this honourable house."

Mr. Speaker then said he might withdraw from the bar, for the purpose of awaiting the determination of the house.

Mr. Grey, after a few observations expressive of his willingness to be guided by the sentiments of the house on the subject, moved, "that Peter Stuart, having published certain paragraphs in the Oracle of the 25th of April, has been guilty of a high breach of the privileges of the house."

The *Attorney General* allowed that the production in question was certainly a libel. He was, however, always disposed to think that a great disposition to prosecute shewed rather the irritability of soreness than real soundness of character. When libels of a different kind occurred, they made no impression on the hon. gentlemen opposite. At the time when the public prints asserted, that a certain hon. gentleman, at clubs and other political meetings, had insinuated the degradation of that house, by declaring that attendance in it was useless, that hon. gentleman did not come down and desire the house to interfere and punish the libellers.

Mr. Fox explained his conduct on that occasion. What he had said he should never be ashamed to repeat; he never disguised his sentiments; he certainly had thought and said, that in the state of the house of commons at that period, his attendance was of no possible use to the public. But he differed from the learned gentleman in calling that a libel. The criminality of the present libel the learned gentleman felt less strongly, for the same reason that he felt it more so. Were the matter sifted to the bottom, it might perhaps be proved to be the production of a person receiving the pay of government.

After a few words from Mr. Atkins Wright, Mr. Grey's motion was agreed to.

Mr. Atkins Wright moved that Mr. Peter Stuart be then brought to the bar, to be reprimanded and discharged.

Mr. Grey observed, that it was not usual when one member had taken up any matter and followed it to a certain stage, that another should interfere to take it out of his hands. He should not, however, object to the proceeding suggested by the hon. gentleman, if the house was of opinion that it was commensurate

mensurate to the offence. With respect to the reference made to former instances of this kind, his hon. friend had given a full answer so far as he was concerned; and if he were asked, whether, in the times alluded to, any such discussion as that now before the house would have been suffered to pass without being commented on with the greatest severity, he would answer, he was sure it would not. He was unwilling to establish a precedent for severity, with respect to the abuse of a liberty on which the good government of the country so much depended. If gentlemen were of opinion that the article was not a libel, that there was any thing in the nature of the apology that had been made, if indeed it was any apology, that did away its offensive character, he should not press for any animadversions beyond what this mitigated consideration required.

The *Chancellor of the Exchequer* disagreed entirely from both the hon. gentlemen. He thought a greater degree of severity due to the dignity of the house, when it had gone so far as to come to the resolution just now voted. Though he was desirous to act with lenity in all cases, and particularly to this person, and in this particular instance, he was more anxious that the dignity of the house should be maintained. Instead, therefore, of bringing this person to the bar of the house to be reprimanded and discharged, he should propose that he be committed to the custody of the serjeant at arms, with the intention that, on his making the proper submission, which he had no doubt he would be ready to make, he should be discharged at the soonest possible time. He moved an amendment accordingly, which was agreed to, and Mr. P. Stuart was taken into the custody of the serjeant at arms.

Mr. Canning, pursuant to notice, moved, that there be laid before the house copies of the correspondence between the treasurer of the navy and the commissioners of naval inquiry, relative to certain accounts required by these commissioners. Ordered.

Dr. Duigenan obtained leave to bring in a bill for amending and regulating the acts relating to Queen Anne's bounty in Ireland.

Mr. Serjeant Best rose, pursuant to notice, to call the attention of the house to a transaction, which, if the circumstances were as had been stated to him, deserved the serious attention of the house. In 1795, government had thought proper to give orders to seize neutral vessels going to France with provisions. These vessels and the cargoes had been consigned,

consigned, after a part of the provisions had been taken for the use of government, with the remaining cargoes to Mr. Claude Scott, to be disposed of for the public account. He was informed that the produce of the sale, amounting to two hundred thousand pounds, had been suffered to remain in the hands of Mr. Scott, down to the year 1800. During this period, Mr. Scott had frequently supplied government with corn to a large amount, which there was reason to suppose he had bought with the public money, and for which he was paid in treasury bills, bearing interest, so that he not only derived mercantile profit from the public money, but also interest from the mode of payment. If these things were true, they were highly culpable: the person who had given him the information pledged himself to make good the fact at the bar; yet he hoped sincerely the hon. gentleman could do away the charge. He concluded with moving for a variety of accounts relating to the sale of the vessels and cargoes, the payments made to the lords of the treasury, and the several contracts between Mr. Scott and government for meal and flour, &c.

Mr. Scott said, the amount of the produce of the vessels allotted to was near a million. The hon. gentleman had been egregiously misinformed as to the whole transaction. He had regularly paid the money into the bank of England, where it lay several months, till the lords of the treasury, who were at first uncertain how to dispose of it, had it applied to naval services; no use having ever been made of it by him, as the papers would shew when they should be before the house.

Mr. Rose had not had time to look back to the documents; but from memory he was enabled to state to the house, that no considerable sum of the public money had ever been in the hon. gentleman's hands one month, without being regularly paid into the bank for the use of government.

The *Chancellor of the Exchequer* wished the hon. and learned gentleman had been more particular in stating the object of his notice, for then gentlemen might have prepared themselves by a reference to documents for explanations, which they could not well give on memory, of transactions which took place ten years ago.

Mr. Fox said notices were but a new practice; he should not now say whether they were right, but it was not necessary that a member should make a speech in giving his notice, to shew every bearing his motion could have.

The *Chancellor of the Exchequer* said, it was neither necessary nor right to make a speech on giving a notice; but the very

very purpose of a notice was to apprise the house, and still more those particularly concerned, of the nature of the propositions to be brought forward.

Mr. Grey then read the notice from the journals, and maintained that it was sufficiently particular. After a few further observations from Mr. Rose and Serjeant Best, who said, if the statement made to him proved false, he would bring the person who had given him the information to the bar of the house to be punished, the accounts were ordered.

It was also ordered on the motion of Serjeant Best, that there be laid before the house, an account of all pensions granted by the crown, from 1st of May 1804 to 1st April 1805, with copies of all letters patent, &c. for the increase of the salaries of officers in the same period.

Mr. Sheridan stated, that an alarming report prevailed, that the Toulon fleet, consisting of eleven sail of the line, with troops on board, had passed the Gut of Gibraltar on the 9th instant. He wished to know from the right hon. gentleman opposite, whether his majesty's government had received any additional information on the subject.

The Chancellor of the Exchequer said, his majesty's government had received no confirmation of the fact.

Mr. Johnstone adverted to the commission appointed in 1801, to inquire into the expenditure of the public money in the West Indies. He understood these commissioners had made some reports, and he wished those reports to be laid before the house. On being informed by the chancellor of the exchequer that there was a delicacy with respect to the production, in consequence of some legal proceedings, he did not press his wish.

Mr. Foster obtained leave to bring in a bill to extend the provisions of the act relating to the dollar tokens of the bank of Ireland, so as to promote and protect the circulation of them.

Mr. Magens gave notice, that he should, in a future stage, offer some observations on the change made in the coin by these tokens, their effect on the exchange with Scotland, and some other points.

Mr. Ponsonby gave notice of his intention, in the absence of an hon. friend of his (Mr. Latouche), who he believed would not return in this session, to call the attention of the house to the accounts of the paving board of Dublin. That city was worse paved and lighted than the worst lane in London.

Mr. Foster said, he had received a letter, informing him, that

that the hon. member alluded to, was to leave Dublin that day, and might be expected in town on Wednesday.

IRISH LOAN.

On the motion of Mr. Foster, the house went into a committee of ways and means, Mr. Alexander in the chair.

Mr. Foster then informed the committee, that he had concluded the loan for Ireland, of one million eight hundred thousand pounds, which formed part of the supply for the service of the year, and was happy to congratulate the house on the advantages accruing to the public from the favourable nature of the terms. The offer he had accepted was the following, which, on a comparison with the former loan, would be found more favourable to the public.

For every 100l. advanced, the public were to pay 5l. of long annuities, which, at 16 and a quarter years, would be	-	-	£.81	5	0
24l. of 5 per cent. at 88½ was	-	-	21	6	0
Interest of money at 4 per cent. if paid according to the instalments	-	-	1	6	0
Further amount of discount if paid up in full	-	-	1	6	0

Making in all	-	-	-	105	3	0
Which left a bonus of	-	-	-	5	3	0

Notwithstanding the advantageous terms, however, of this loan, and its superiority to the former, of fivepence per cent. the right hon. gentleman had to complain that he had not escaped censure in various quarters, and particularly respecting the offers made by certain gentlemen in Ireland, which it was alleged were more favourable than those he had accepted. On this account he thought it necessary to state to the committee what those terms were.

For every 100l. they offered to take of 3 and a half per cents.	-	-	-	100	0	0
And of 5 per cents.	-	-	-	49	2	7

But there was another advantage accruing to the public from the preference he had given to the English bidders, arising from the nature of the terms themselves, which could not escape the attention of the committee, and which he thought of considerable importance. By the terms of the Irish bidding, the loan went directly to increase the capital of the permanent debt of Ireland, whereas, by the terms on which he had concluded the loan, a great part of it was expirable at no distant period. Complaints, he understood, had been made of the

treatment which the Irish gentlemen had experienced in having had their offers refused, but such complaints were totally groundless, as no promise had been held out to those gentlemen that their offers would be accepted. Their offers had been received conditionally only, and on being transmitted to him he had lost no time in informing them of his decision. The whole correspondence had been conducted within the period of eight days, which left, he thought, those gentlemen no room to complain of trifling in any degree with their expectations. After some farther observations on the extravagance of their offers, he moved the resolutions; when

Sir John Newport rose and expressed his satisfaction in the statement of the transaction given by the right hon. gentleman, to which he had no scruple in giving his sincere approbation. Independently of the advantages arising from the difference in terms, and from a less increase of the capital of the debt, as stated by the right hon. gentleman, he was favourable to a loan raised in England in another point of view. In a country possessed of so little capital as Ireland was, and to which its manufactures were of so much importance, it must always be productive of the greatest advantage to increase the money circulation. A loan raised in England had directly that effect; it brought money into the country, and therefore, if the terms had been even higher than those proposed at home, he would willingly have submitted to some inconvenience, rather than have lost that advantage. The hon. baronet regretted that transaction had been at all misrepresented.

The resolutions were agreed to, and the house having resumed, the report was ordered to be received on Monday next.

Mr. Vansittart gave notice, that, on Monday next, he would move for a copy of the correspondence between the Lord Lieutenant of Ireland and the judges, relative to the case of Judge Johnson. Adjourned till Monday.

HOUSE OF LORDS.

MONDAY, APRIL 29.

The Earl of Oxford took the oaths and his seat.

THE NAVY.

The *Earl of Darnley* called the attention of their lordships to the papers which had been laid on the table relative to the navy. He had before declared, that in the inquiry he wished to

to institute he had no personal object in view, and he should prove this by pursuing the inquiry, notwithstanding circumstances which had lately taken place. The papers were still defective; but he was of opinion, nevertheless, that the inquiry should go on. He thought the best mode of investigating the papers on the table would be to refer them to a select committee. His lordship, after a short pause, declined to name a day for moving for a committee, observing that he should shortly take an opportunity for that purpose.

ADVOWSON BILL.

The Bishop of Oxford moved the order of the day for the house to resolve itself into a committee on the bill to allow the universities to purchase advowsons.

Lord Sidmouth expressed his regret at feeling himself compelled to oppose the bill. He thought, however, that many evils would result from allowing the colleges an unlimited power of purchasing benefices; that the succession of benefices would thereby become too rapid, whilst, at the same time, the patronage of the church would be, in too great a degree, taken out of lay hands. Some modification of the present restraint might, he admitted, be of use; for instance, if the colleges were to be allowed to purchase benefices to the number of three-fourths of their fellows. Much, he thought, might also be done by augmenting the value of small livings, and increasing the number of churches. The present bill, he thought, went a great deal too far in abolishing altogether that restraint which had been wisely imposed; and he therefore moved to postpone the committee to that day three months.

The *Bishop of Oxford* thought that some of the topics touched upon by the noble viscount might form good subjects for a separate bill, but had little connection with the present.

The *Archbishop of Canterbury* likewise defended the bill, which he thought would be highly beneficial in its operation.

Lord Auckland thought that no data were before their lordships on which they could with propriety proceed.

The *Bishop of Oxford* said, he had the figures with him which would give the necessary information to the committee.

Lord Auckland proceeded to observe, that the information

ought to be laid on the table in an official way before they proceeded further in the consideration of the bill.

Lord Grenville contended, that the argument of the noble lords that further information was wanting, was a good argument for going into the committee, where that information might be obtained.

Lords Sidmouth and Auckland severally explained; the former noble lord said he should not take the sense of the house upon his motion.

The *Bishop of London* expressed himself a warm friend to the bill, which he thought would produce none of those disadvantages which had been attached to it.

The *Bishop of St. Asaph* thought the restraining clause in Lord Hardwicke's bill, which it was the object of this bill to repeal, absurd in itself, as it established a general regulation for all the colleges in the two universities, without any reference to the particular and dissimilar situation of each.

The *Lord Chancellor* had made up his mind decidedly to support the present bill. He thought there was no common sense in the enactment which restrained the colleges indiscriminately from purchasing more benefices in number than half the amount of their fellows. There were two colleges at Oxford, in one of which there were twelve fellows, only six of whom could be ecclesiastics. In this case, therefore, the enacting clause to which he had alluded, by making no distinction, had evidently given one college a much greater benefit than the other. As to any evils to be apprehended from a monopoly of patronage in the hands of the universities, he lamented he was obliged to say, that even if this bill passed, from the state of the funds of the different colleges, there was great reason to fear that it could not be attended, with respect to the acquisition of benefices, with all those beneficial effects which it was highly desirable should be the result. With respect, however, to any danger of that description, he was not afraid of our universities; but when he saw a body of men associating for the purpose of publicly maintaining tenets which were little short of schism from the established church, and at the same time buying up small livings, for the purpose of putting persons in the pulpit to preach doctrines contrary to those of the established church; when he saw also church patronage brought to market, and bought and sold, it was there he had reason to apprehend danger, and not from the universities, who had given to the country the far greater
part

part of those men who had been most eminent both in church and state.

Lord Ellenborough wished that some scale might be devised by which they might be enabled to limit the operation of this bill.

The *Bishop of Oxford* doubted the practicability of establishing any scale of that description.

The *Duke of Norfolk* thought the bill required modification, which, if it did not receive in the committee, he should oppose it in its subsequent stages.

The motion of Lord Sidmouth was then negatived, and the bill was committed *pro forma*.

The *Bishop of Oxford* moved, that the committee sit again on Wednesday; which was agreed to, and the lords ordered to be summoned for that day.—Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 29.

Mr. Calcraft presented a petition from upwards of 100 inhabitants of the parish of St. Pancras against the bill for the erection of a workhouse, and some parochial regulations in that place.—Ordered to lie on the table.

Mr. Williams, from the commissioners of naval inquiry, presented at the bar the correspondence with the treasurer of the navy, which was ordered on a preceding day.—The papers were ordered to be laid on the table, and to be printed.

Mr. Johnson, from the office of the chief secretary of Ireland, presented copies of the contracts which have been entered into for the purchase of houses or ground for the site of the Roman catholic seminary.—Ordered to be laid on the table.

Mr. Henry Thornton gave notice that, in consequence of the resignation of Sir Francis Burdett, he would the next day move that the petition against Mr. Mainwaring be discharged.

FIRST LORD OF THE ADMIRALTY.

Mr. Creevey rose to ask of the right hon. gentleman opposite (Mr. Pitt), whether the important situation of first lord of the admiralty was yet filled up? The present was a critical and perilous period, and the public looked with anxiety to

to the appointment of a person to fill a situation, the proper exercise of which was so intimately connected not merely with the honour, but even the existence of the empire.

The *Chancellor of the Exchequer* stated that the situation to which the hon. member referred was filled up, and trusted the house would believe by one who was fully adequate to the anxious expectation of the public. The appointment would appear in the Gazette the next day. The right hon. gentleman mentioned the name of Sir Charles Middleton (now Lord Barham).

ELEVENTH REPORT.

Mr. Grey rose to take notice, that the honourable comptroller of the navy had, on a day last week, given notice of a motion connected with the eleventh report of the commissioners of naval inquiry, without explaining to what object that motion would refer. The next day he had come down at a very early hour, when a ballot for a select committee was appointed, and when no other business was expected, and had moved for the production of his own letter to the lords of the admiralty. This was, he conceived, a very extraordinary, unfair, and unjustifiable proceeding. The house was completely taken by surprise, and none of the friends of Lord St. Vincent, who might have been disposed to move for other documents to bring the whole business fairly before parliament, had an opportunity of stating their sentiments. So irregular did he think this proceeding, that he was inclined to move that the motion for the production of the papers in question be expunged from the order book.

Sir A. S. Hamond denied that the house had been at all taken by surprise. It was nearly five o'clock, when the attendance was very numerous, that he had brought forward his motion for the production of the papers in question. He stated that a certain part of the evidence in the eleventh report of the commissioners of naval inquiry, rendered it necessary, for the vindication of his character, that these documents should be laid before the house, and, in moving for them, he could not conceive that he was at all deviating from the regular proceedings of the house. Due notice of his motion was given, and therefore every member might have been fully prepared to resist it if he conceived it to be irregular.

Mr. Tierney declared that as he knew it was a night fixed for a ballot, he had attended soon after four o'clock, and before he came to the house the motion of the hon. baronet

was

was disposed of. The manner too in which the motion of the honourable baronet was framed, was worthy of the attention of the house. It was generally for the production of papers connected with the eleventh report of the naval commissioners, without specifying to what object they were directed. If information was really meant to be conveyed to the house, why were not the circumstances to be disclosed fairly explained to the house? The production of the hon. comptroller's letter, without the documents which ought to accompany it, might produce an impression on the public mind, which, if the whole case were represented, would not have taken place.

The *Speaker* here interfered by observing, that as there was no question before the house, the discussion was irregular. However protracted, it would end in no important result.

Mr. Tierney contended, that the production of the papers in question, besides being irregular, was not justified on the grounds of parliamentary procedure. The house of commons had nothing to do with the letter of an individual, unless considered in the light of a necessary document. Going forth under the present circumstances, it might appear to the public a charge against his noble friend (Earl St. Vincent), which, at present, could not be satisfactorily repelled.

Sir A. S. Hamond appealed to the house, that in their recollection an hon. member opposite (*Mr. Kinnaid*) had brought forward a similar motion, under similar circumstances. On that hon. member's motion, papers of a nature parallel to those he had moved for were ordered, and not a single objection was started.

Mr. Grey professed his ignorance of the circumstance to which the hon. baronet alluded. As far as his own recollection extended, the motion of his hon. friend was not brought forward without a specific notice. Every member, indeed, knew to what end it was directed. Here, on the contrary, it was perfectly understood that no business of a public nature was to be done till after the ballot was formed. The hon. baronet introduced his motion in the absence of all those who might be supposed most anxious to defend the character of the noble lord, against any attack which might be brought against his public conduct. He himself had remained to a late hour in expectation of the motion being brought forward, and he was at last astonished to find, that the hon. baronet had brought forward

forward the motion at a time when not one of the noble lord's friends were apprized of his intentions. They knew nothing at all of the nature of the papers to be moved for. They were obliged to be satisfied with the simple explanation, that they were papers connected with the eleventh report of the naval commissioners. In fairness to the character of his noble friend, some opportunity should have been given to move for the production of other papers, by which these allegations might have been disproved. All the information, however, which it was judged necessary by the hon. baronet to convey to the house was, that it was a collection of documents relative to the eleventh report. This, surely, was nothing short of sporting with the dignity of the house, as well as the character of his noble friend. Fortunate, indeed, it was, that his character was far above all suspicion, so that even the partial production of these papers could not injure him in the estimation of the public. To move for papers, and not to explain to what object they were to be applied, was, he would contend, equally inexpedient and objectionable. A right hon. gentleman opposite (Mr. Pitt) had attacked an hon. and learned friend of his for not bringing forward his motion on a former evening, on a sufficiently explicit notice—what on inquiry turned out not to be the fact. It was ascertained that the notice of his hon. and learned friend was sufficiently explicit; but surely no one member could now come forward and say, that the motion of the hon. baronet had been intimated in terms at all so specific. The house besides had here to consider what was demanded. It was not a motion for the production of papers to establish the innocence of the hon. baronet, which would without difficulty be acceded to. It was a motion for the production of a letter containing comments on the report of the commissioners. If the hon. baronet thought these comments necessary, he, as a member of the house, had an opportunity of stating them in his place. It was not consistent with the dignity of parliament to receive them in any other form. It was one of the first instances of letters of individuals being thus attempted to be placed before parliament, and he trusted the practice would be effectually checked. The house, it appeared to him, were called on to expunge the motion for the production of the papers in question.

The *Chancellor of the Exchequer* thought that the production of these papers was what the justice of the house absolutely required. A charge had been made in the eleventh report

report of the naval commissioners against his hon. friend the comptroller of the navy, and he, feeling as a man of honour, had moved for these papers in his own vindication. It was not then easy to see on what principle their production was to be resisted. The commissioners had in their report made a specific accusation, and it was natural that his hon. friend should be anxious to place his character in that light in which he was conscious it ought to stand. An hon. gentleman (Mr. Grey) had represented the noble lord as above all inquiry, which was surely a very extraordinary sort of observation. If, however, the noble lord was so situated, that was no reason why his hon. friend should be shut out of every means of vindicating his own conduct. It was at least what common justice required, that the hon. gentleman should be allowed to produce the necessary documents to explain all the circumstances connected with his conduct. If such indulgence as this was not granted, then there was an end to all justice or honour.

Mr. Grey was astonished that the right hon. gentleman should insinuate that he was hostile to the production of any documents calculated to establish the innocence or guilt of an accused party. If the character of the hon. baronet was accused, God forbid that he should throw any obstacles in the way of his fair justification. If any documents were wanting to establish his innocence, unquestionably justice demanded of the house that they should be produced. What he complained of was not the production of additional documents, but the production of a letter containing comments on the reports of the commissioners. The letter is to be produced, and with it certain documents not described, and of which the house absolutely knew nothing. This he thought was a very unfair mode of proceeding. It was what nothing in the whole conduct of parliamentary business justified. If the papers in question were now to be printed and laid before the public, an unfair prepossession might be created. The character of a noble lord (Earl St. Vincent), which deservedly stood high with the public, might be injured, though certainly it was above all suspicion. The right hon. gentleman opposite (Mr. Pitt) had accused him of saying that the noble lord's conduct was above all inquiry. This he utterly denied, for he had only said that the result of all inquiry into the noble lord's conduct would terminate to his honour. He had nothing to fear from inquiry, and therefore what his friends complained of was, that the hon. baronet had not afforded them a fair opportunity of moving for such documents as would fully shew that

in every part of his public conduct he had only a view to the public interest and the national glory.

Sir A. S. Hamond still contended that his conduct was strictly consistent with the order of parliamentary proceedings. It was, indeed, only what regard to character demanded of him as a man of honour. In the eleventh report the commissioners had employed language, respecting his proceedings as comptroller of the navy, which it was altogether impossible for him to pass unnoticed. This charge depended on the evidence of the Earl of St. Vincent before the naval commissioners, and here he and the noble lord were at issue. As soon as he read the eleventh report, he had addressed a letter to the commissioners to be re-examined, with which request they did not think proper to comply, on the ground that the report was then submitted to the consideration of the three branches of the legislature. On receiving this answer, he had stated the whole case to the lords of the admiralty, holding, as he did, a situation in an office over which they were authorized to exercise control. He had there made a declaration of the manner in which his official duty was transacted; and it was only to the production of the statement that this declaration contained his motion was extended. If his motion was brought forward a few minutes too early, he trusted to the liberality and justice of the house that this would be no serious objection.

Mr. Dickinson then produced the copy of the letter in question, and the enclosed documents.

Mr. Grey rose to ask what was the title of the documents? but they bore no particular title. The hon. gentleman urged this as another reason why the papers should not be received. The house knew nothing of their nature, and therefore they might be receiving papers the production of which was altogether inconsistent with the forms of the house. It was surely then improper that the public should receive any impression from documents with the nature of which, at the time of their being presented, the house was altogether unacquainted.

Mr. Tierney contended that to lay these documents before the public, without waiting for the production of the others which might be produced, was grossly hostile to the character of his noble friend. The papers were even now unknown to the house. All they knew was, that the comptroller of the navy wished a letter of his own to be produced in his defence, and at the same time a number of other papers, the very titles of which had not been explained. If such documents were

were received under such circumstances, it was impossible to say how far the usage of parliament might be abused. He thought that justice and fairness required that these papers should not be allowed to go before the public till the whole case was fully and fairly stated.

The *Chancellor of the Exchequer* was for the production of the papers, as a matter of common fairness and justice betwixt the two parties principally concerned. An hon. and learned gentleman (Mr. Serjeant Best) had given notice of a motion on the subject of the eleventh report, and which threw out a strong charge against the hon. gentleman as comptroller of the navy. With a laudable regard for his own character, with all those nice feelings which became a man of honour, he was desirous to meet the charge in the most direct form. He was anxious to have every document produced which could throw light on his transactions in his official capacity. It could not, with any propriety, be said, that the production of the documents in question could be at all injurious to the noble lord's character, to which he had ever given every degree of praise in his professional capacity, however he might differ respecting his conduct in the civil administration of the navy. If these documents were produced, the noble lord would have a full opportunity of shewing, that they were unfounded if they were not consistent with truth. The house, when they heard of this evidence being improper to be laid before them, would bear in mind that the eleventh report had, for a considerable time, been on their table, and if one charge was heard it was surely but fair that the answer to it should be entertained. If a motion on the eleventh report was to be brought forward, it was not asking too much to have the subject of discussion as much elucidated as possible before the motion was considered. This was what his hon. friend asked, and, on this ground, he himself felt it his duty to move that the documents be read at the table.

M^r. Fox considered the manner in which the whole of the business had been conducted, the most strange, irregular, and extraordinary that he had ever witnessed in parliament. The great stress of the argument employed by the gentlemen on the other side was laid on this, that every document necessary for the defence of an individual accused ought to be produced. No one doubted the truth or propriety of this proposition generally considered. It was strange, however, that certain documents were declared to be necessary, yet even the very titles of these documents were concealed from the knowledge of the

house. He appealed to gentlemen whether at this moment they could precisely say to what subjects these documents referred. He professed his own ignorance, and he was pretty confident that the majority of the house were in the same situation. As to the letter of the comptroller of the navy, without meaning to throw the least disrespect on the hon. member, the house had nothing to do with it. If the hon. member had any strictures to make on the report of the naval commissioners, he had only to stand up in his place and make them, instead of bringing before them comments on that report, of which the house could not be supposed to possess any regular knowledge. He was adverse to the production of these documents, since unquestionably their production had been obtained by taking the house by surprise. The public ought not to have a partial view of the subject, but be enabled to view it in all its relations. No one ever supposed that the noble lord, whom gentlemen on the other side seemed so fond of attacking, was above inquiry; but this he was sure, that he was above the fear of it. What he wanted was fairness, and though these documents were published, they could not injure him in the estimation of the public. It was, however, only consistent with justice, that the documents in question should not be published till the whole case could be laid before the public.

Mr. Dickinson, jun. said a few words, stating that the papers were of a nature similar to those produced in the business of *Mr. Tucker* and the commissioners of the navy board.

Mr. George Ponsonby hoped that the house would not accede to the proposition for reading these documents. It was usual, he believed, for the clerk to read the title of papers at the table. Here, however, this was impossible, for no titles existed. The hon. comptroller of the navy had said, that the production of these papers was necessary, because issue was joined betwixt him and the noble lord lately at the head of the board of admiralty. But how did the matter really stand? Here it was said that there was a charge against the hon. comptroller of the navy. True it was that such a charge existed, but what was the state of things in another point of view? the comptroller of the navy came forward with a fresh, substantive, and distinct charge against the noble lord's character. Here, then, was not a defence, but an accusation. If, then, it was an accusation directly brought forward, he put it to the candour and justice, not to speak of the generosity and feelings, of the house, whether they would suffer an

an attack against the noble lord to go forth, without giving his friends a full and fair opportunity of repelling the charge?

The *Attorney General* observed, that the object was to repel the attack on the hon. baronet's character. One of the circumstances stated in the report was, that he had been guilty of a neglect of duty, in not communicating to Lord St. Vincent certain information respecting an expenditure of money, which his lordship ought to have been made acquainted with. He tendered materials to the commissioners for the purpose of explaining the circumstances. They refused to accept of them, probably for good reasons: and what could he then do but state the whole affair to the lords of the admiralty? An hon. gentleman had said that this was a new charge: but then there was a charge on the table against the hon. baronet, and was it no hardship for him to be precluded from defending himself, merely because his defence might bring another person into the same predicament? But it was said, that he might defend himself before the committee. Was it certain that there would be a committee? (*Mr. Tierney whispered that there was a notice.*)—Yes, but was there no difference between a notice and a motion? Was that conclusive? In the instance alluded to by his right hon. friend, the second motion had not been abandoned, but transposed—(*No, no, from the Opposition*). He certainly had read them so in the order-book. But justice could not be better promoted in this case than by reading these papers.

Mr. Grey, though he had risen several times, could not allow a wrong impression to remain on the minds of the house. The order-book was not correct respecting the notice of his hon. friend, for he himself knew that the motion for the committee was to be taken first, because it was thought there would be no objection to it. It had been uniformly attempted to mislead the house by saying that they wished to refuse justice to the hon. baronet. He did not wish to oppose any documents, he would, on the contrary, cheerfully vote for them. But what he said was, that if these papers contained an attack on Lord St. Vincent, the mode in which they were moved for was extremely improper, as it might lead to a temporary impression, which would be in fact erroneous and unfounded. It had been said that there was no objection to the circulation of the report. That was quite a different matter. The report was laid on the table of the house by act of parliament, and printed by order of the house. Nobody, however, had attempted to justify the manner in which these papers were moved

moved for. The learned gentleman had said that the hon. baronet had proceeded in the most natural way. He spoke like a good advocate, but it was material to attend to dates. The eleventh report was finished as early as the 11th of March. The hon. baronet's letter was written on the 22d of April, and on the 27th he gave notice that he would move for its production with the enclosures, and next day he did move for them. The letter seemed to have been written merely for the purpose of being produced in that house. He was not afraid of the papers, but, on every principle of justice, he thought a wrong impression ought not to be allowed to circulate.

Sir A. S. Hamond rose only to say, that he had lost no time in writing his letter, and bringing forward his documents.—He did not see the report till late in March. On the next day after he wrote to the commissioners, requiring to be re-examined, as it was no light matter to have such things said against him, without explanation. This letter was written on the 1st of April, and he had no answer till the 17th. Having thus considered the affair, he wrote his letter on the 22d to the lords commissioners of the admiralty. He could not see that he could have done this a day earlier. The whole of the documents were in regular order. They were all referred to in the body of the letter, and numbered 1, 2, 3, 4, up to 12, and contained the letters from the Secretary of State, from Lord St. Vincent, with the answers, and the consequences to be deduced therefrom. It would be no great labour to read them; and he would vote for the motion.

The clerk then began to read the letter, which was in substance, that in consequence of the evidence of Lord St. Vincent, the hon. baronet had found it necessary to vindicate his own conduct, and that he had therefore taken the steps already mentioned. Then followed a declaration which the hon. baronet was ready to verify on oath. This declaration stated that it appeared from one of the documents that Lord St. Vincent was acquainted with one transaction of which he had denied any knowledge, and that though he could not produce documents with regard to the others, yet that the same forgetfulness proved in one case, might easily happen in others. The rest of the declaration related to communications to Lord St. Vincent of different transactions.

The documents were then read, the most material of which were a letter from Lord St. Vincent, in which he expressed some approbation of the stone expedition, but refused to allow naval officers to be employed in it, or any navy money to be

be expended in the project ; and another from Lord Buckinghamshire, stating that Sir A. S. Hamond had full authority for issuing money expended for the above purpose.

The question being put, for printing these papers,

Mr. Tierney said, that nothing less than perjury had been imputed to Lord St. Vincent. The house would feel pleasure, and the noble earl's friends still more, if possible, that on a character standing so deservedly high as that of Earl St. Vincent; such an unworthy imputation had been now totally refuted. That men attacked, as they had been, by Lord St. Vincent, for gross frauds, should feel uneasiness, and endeavour to fabricate charges against him, and to involve him, and those who assisted him in such detections, was no wonder ; and that such endeavours had been made, no man living would doubt ; such a man undertaking such a task, would be sure to meet with such an opposition. He was desirous that the question put to my Lord St. Vincent by the commissioners of naval inquiry might be read. It was in substance this—"Did not my Lord St. Vincent warrant the application of the public money of the navy to defray the expences of the stone expedition?" Now he maintained that Lord St. Vincent never did, directly or indirectly, countenance the application of naval money to the purposes of the stone expedition. Whether Lord St. Vincent did agree to the expedition itself, or knew of it, could not properly be called a question ; he certainly, being one of his majesty's cabinet ministers, must have known of it, and he might have had no objection to it ; but that he ever directly or indirectly countenanced the idea that the expenditure should be defrayed out of any naval money, he defied any body to prove ; on the contrary, he had actually refused it, and had always thought that not one farthing of money voted by parliament for naval purposes, should be employed in any services of that kind, and he believed that Lord St. Vincent never acknowledged the services of any officer in that employment. That my Lord Keith might have been employed to convoy the vessels upon that expedition was most true, but no naval officer was to have been employed in the act itself, as Lord St. Vincent thought ; and the whole question was, whether money voted by parliament as naval money was, with the privy of the first lord of the admiralty, employed for the purpose of that expedition ? What had been read from the documents that day laid upon the table was explicit enough, as they related to my Lord Buckinghamshire, or to Mr. Sullivan, but they had no bearing on what my Lord St. Vincent stated before

before the committee of naval inquiry, on the subject of the stone expedition. The Earl of St. Vincent had merely stated his opinion, as a seaman, on the projected plan of choaking up the harbour of Boulogne, that it might be a good thing if it could be accomplished, but his idea was, that the expence of the expedition was to have been defrayed by the treasury. He had not the slightest conception that the money voted by parliament for the service of the navy was to have been appropriated for that purpose. That was all the noble lord had declared upon oath before the commissioners, and that was all perfectly correct. Nothing, therefore, now remained for him, as the friend of that noble lord, but to thank the hon. baronet for thus bringing this matter forward.

Mr. Canning observed, that the impression made upon his mind was, that the hon. baronet had moved for the production of these papers for the purpose of repelling a charge, the substance of which was to be decided by the answer to be given to a question, Whether the comptroller of the admiralty board had employed money entrusted to his charge in other services than those of the admiralty? That was the charge, and which charge it was not for him to say had been repelled; that was with the house. But how it might appear to be conformable to, or contrasted with, what might have been said or sworn elsewhere, he left to the consideration of the public.

Mr. Fox remarked that what had just been said by the right hon. gentleman was fair, if indeed it was not something more than fair. But he had a right to expect that the point should be put on the true ground, and perhaps it would have been fair if the right hon. gentleman had put forward the charge against Lord St. Vincent. The ground of bringing forward these documents was, that my Lord St. Vincent's evidence, as delivered to the commissioners of inquiry, was incorrect, as was indeed stated in one of the documents themselves. Now, it was so far from being so, that there was no incorrectness whatever in that evidence; on the contrary, Lord St. Vincent understood the matter at the time, as he and every body understand it now, and he should be glad to have the incorrectness pointed out. It was another matter to say that the hon. baronet was to blame in what he did on the subject of that expedition; that was a point which was not then before the house. The question at present was, whether the evidence of Lord St. Vincent was or was not correct, and it really appeared to him perfectly correct.

The *Chancellor of the Exchequer* thought that whatever might

might be doubtful, thus much indisputably appeared on the face of these papers: that the transaction which occasioned the expence, the expedition which had been so frequently mentioned, was a measure perfectly well known to Lord St. Vincent; that to the expence being incurred, he had no objection; that he objected afterwards only to its being defrayed out of naval money.—(*A prodigious cry of hear! hear!*)

Mr. Grey said, that Lord St. Vincent knew of the transaction of some secret service was a fact; but that Lord St. Vincent disapproved of and protested against the application of naval money for that purpose, was equally indisputable; no naval money was, either directly or indirectly, issued for that purpose under the authority of that noble earl. His answer was given to the commissioners of naval inquiry, with reference to his assent to the naval money being employed to the purpose of that secret service, which assent he most indisputably never gave. Lord St. Vincent was, therefore, perfectly right in that sense, when he said he knew nothing of the transaction.—(*Hear! hear! from the other side of the house.*)

Mr. Wallace declared, as far as his recollection went, it did appear to him that the noble earl was quite incorrect in the statement he made before the commissioners; for it appeared from the communications of Sir A. S. Hamond, that the noble earl not only knew of and approved the secret service, but that he also assented to providing the funds for it. Most certainly the impression on his mind was directly the reverse of that felt by the hon. gentleman (Mr. Grey) opposite to him.

Mr. Grey—I say the representation of the hon. gentleman who has just spoken is directly the contrary of the transaction to which he refers. If he has an epithet to apply to the evidence of the noble earl—if he has a charge to make—(*Spoke! Spoke! resounded from various parts of the house.*)

Sir A. S. Hamond stated that it would appear, that his lordship directed that the comptroller of the navy should have funds for defraying the expences of the expedition, and he would beg to know whether these funds were to come from his own pocket, or from the money of the navy. This letter was written by Lord St. Vincent, in which he told Sir A. Hamond that his lordship was satisfied the service, (that was, the secret, or stone expedition) would be properly performed. Here the hon. baronet alluded to the letter of Lord Hobart, of the 7th of March 1804, and of Earl St. Vincent on the 9th, wherein his lordship said, “It is thought advisable, under the

present circumstances of the war, that an attempt should be made for the prosecution of a project for choking up the harbour of Boulogne, the success of which will depend on secrecy and dispatch. I have the king's commands to inform you it is his majesty's pleasure that you take this under your immediate control, and communicate in confidence with Mr. ———, supplying him with such funds, and giving him such orders for the purpose of protecting the vessels, and supplying stores and other materials which may be judged necessary to be embarked, as shall be requisite for accomplishing the object in view. The advance you may have occasion to make for this service shall be hereafter repaid from the treasury. The vessels will proceed to the Downs, and you will receive orders from Lord Keith." Another letter on the following day from the noble earl to Sir A. S. Hamond stated, "I received your letter of yesterday enclosing instructions from Lord Hobart for an expedition on the naval service, and which I have no doubt will be well performed; but as the whole expence is to be defrayed by the treasury, I do not see any occasion for any part of the detail being transmitted to the navy board."

Mr. Wallace—I beg to know whether I have stated the direct contrary of the true representation on these letters? I have not done so, as far at least as my understanding goes. I say it was stated originally in my Lord Hobart's letter, that the funds were, in the first instance, to be supplied from the navy, but that they were ultimately to come from the treasury, and that my Lord St. Vincent was aware of this. I should be glad to know what he has to say against that?

Mr. Grey—My Lord St. Vincent states, that the whole expenditure is to be defrayed by the treasury. He protests against the application of any naval money for that purpose.—*(No! no! no! from the other side.)*—I have my Lord St. Vincent's authority to state, that he would have quitted office altogether, or, to use his own emphatic expression, put his hand in the fire, rather than he would have consented to the issue of any naval money for that purpose.

Mr. Wallace—I did not mean to state any thing in contradiction to what the noble earl has thought fit to communicate to the hon. member as to what he would have assented to: I am stating only what appears on the face of the papers.

Mr. Grey—I say the papers completely prove that which my Lord St. Vincent said to me.

Mr.

Mr. Sullivan had not had the good fortune to be in the house when this debate commenced, and, therefore, what he should say must be necessarily imperfect; but having been acquainted with the subject, it was his duty to lay before the house what he knew. My Lord St. Vincent (said the hon. member) was certainly acquainted, as indeed was stated by gentlemen on the other side of the house themselves, with the whole of the service; but my Lord St. Vincent residing in the country, could derive information only from notes as the matter was going on. My Lord St. Vincent's letter to Sir A. S. Hamond was dated on the 9th of February. On the 10th of February, Lord Hobart wrote to Lord St. Vincent to inform him that he had proposed a secret expedition to be carried into effect, and that he had expressly directed Sir A. S. Hamond to take it under his control, and that the funds would be ultimately repaid by the treasury. To the best of my recollection Sir A. S. Hamond expressed both to my Lord Buckinghamshire and myself, that navy bills would be employed for that purpose. Not knowing any other mode, I did acquiesce with my Lord Buckinghamshire in what Sir A. S. Hamond said, that the money should be placed in the hands of Messrs. Hammersleys, to pay the expences as they occurred; to which I saw no objection. I believe that my Lord St. Vincent, by some accident, did not hear of that; but I declare, upon my honour, that until I heard my Lord St. Vincent say that he was against it, I did believe that he was not. I have heard him say now that he was against it; as he has declared that he would have protested against paying the expences out of the navy money, I will believe my Lord St. Vincent; but I am sure that, at the time, I did not know it.

Mr. Vansittart did not understand the exact meaning of my Lord St. Vincent until he heard the explanation; but now he did understand, that Lord St. Vincent did not mean that the money should come out of the navy service; he thought, however, that the charge against the hon. baronet, for proceeding without authority, was done away.

The *Chancellor of the Exchequer* spoke in support of the propriety of bringing forward these papers, as necessary to elucidate this subject, and to support the character of the hon. baronet, which the hon. gentleman over the way (*Mr. Grey*) had endeavoured to stifle.

Mr. Fox defended Lord St. Vincent, and maintained that he had stated before the commissioners expressly as the case stood, with reference to the manner in which the expence of

the expedition was to be defrayed. He denied that any endeavour had been made to stifle information.

Mr. Hobhouse spoke from the gallery. The question, he said, had been for so long a time quite out of sight, that, without consulting his recollection, he should not have known what was the immediate object of discussion. He had witnessed a great deal of clamour and irritation, of crimination and recrimination, and of every thing, in short, but argument. The motion before the house was, whether the papers which had been presented by the worthy baronet, (Sir A. S. Hamond) and read at the table by the clerk, should be printed for the use of the members. Had any objection been offered to its adoption? What possible mischief could result from the publication of these papers? He had heard none assigned; he could conceive none; and therefore he should cordially assent to the motion. With respect to the testimony given by Lord St. Vincent before the naval commissioners, and annexed to the eleventh report, his (Mr. Hobhouse's) impression upon reading it agreed with the statements of his right hon. friend below him (Mr. Vansittart), and of his right hon. friend near him (Mr. Sullivan); both of whom, from the public situations they at that time filled, were well acquainted with the whole proceeding, and most capable of forming a correct judgment. The question put to his lordship was, "whether the comptroller of the navy was authorized by him to perform any secret service, for which a certain sum was advanced, and whether he had any knowledge of the transaction?" The answer was—"he (the comptroller of the navy) was not, nor had he (Lord St. Vincent) any knowledge of the transaction." What other inference could be deduced from this reply, except that his lordship did not know the secret service alluded to, and had not authorized it? This, from the letters which had now been read, was certainly not conformable to the fact. It appeared, however, from the same documents, that his lordship looked to the treasury for the payment of the expence; and therefore he was not guilty of warranting the application of naval money to secret services. By the explanation now given by Lord St. Vincent's friends, it is clear, also, that to this point his lordship intended to direct his answer to the commissioners. The evidence, thus construed, left not the least shadow of blame upon his lordship. He (Mr. Hobhouse) entertained the highest opinion of Lord St. Vincent's integrity and honour; he admired his professional talents, and completely approved his administration of the admiralty during

during the time that he presided at that board. Mr. Hobhouse concluded with repeating his wish that a debate so totally irrelevant to the question under consideration, might no longer be protracted.—(*The question was loudly called for.*)

The *Chancellor of the Exchequer* justified his former assertion in this and all other particulars upon this subject, and quoted the examination of the noble earl before the commissioners, as given in the report by way of question and answer.

Mr. Grey said that he could not sit still under what appeared to him to be the wilful misrepresentation of the right hon. gentleman.—(*Order! Order! Order!*)

Mr. Speaker—The hon. gentleman is disposed to admit that that expression cannot be justified.

Mr. Grey submitted, and proceeded to argue on the evidence of the noble earl, which he maintained again to be perfectly consistent with the fact.

Admiral Markham gave an account of a conversation he had with Lord St. Vincent, when they were both at the board of admiralty, relative to this expedition, by which it was clear the noble earl had no idea that the expenditure was to be defrayed any where but out of the treasury, saying, “As to the admiralty we have nothing to do with it.”

Mr. Ward was convinced the noble earl must have felt that the expence of the expedition must have been defrayed in the first instance by the admiralty, although ultimately by the treasury.

General Gascoyne felt disposed to make great allowance for the frailty of the memory of the noble earl, since he recollected being on a court martial, on a charge preferred by that noble earl against a person for following orders issued by himself.

The question was then put and carried.

Mr. Kinnaird moved the postponement of his motion respecting Sir Home Popham, on account of the improbability of the papers being printed in sufficient time for the discussion. However, on the suggestion of Sir William Young and Sir H. Popham, he agreed to let his former motion stand unaltered.

Lord A. Hamilton gave notice of his intention to move for a committee on the corn laws the next day se’nnight.

Lord H. Petty gave notice, that he would, the next day, move the postponement of the motion of which he had already given notice; and added, that, on Wednesday, he would

would move for the production of papers connected with the subject of the civil list of Scotland, and particularly warrants issued by the barons of the exchequer.

NAVAL COMMISSION.

The *Chancellor of the Exchequer* moved the reading the act appointing the commissioners of naval inquiry; and the act being read accordingly, the right hon. gentleman rose, pursuant to notice, to move for leave to bring in a bill for the further continuance of that act for a time to be limited. In a former part of the session he had observed that it was his intention to bring forward this motion, if it should appear that the commission of naval inquiry should be unable in the course of the session to fully discharge the duty assigned to them on their original appointment. This inability was now apparent, as several objects still remained for investigation which would necessarily occupy much time. It therefore became proper to prolong their continuance. With respect to the conduct and character of this commission, he was as willing as any man to admit that it had produced much useful and important information. At the same time, however, he would say, that there were several parts of the conduct of this commission of which he could not approve, but still their investigation had been productive of many results that would conduce to the public service, and, on this ground, he felt it his duty to submit this motion.

Mr. Whitbread thought it extraordinary that the right hon. gentleman should select the very time he was moving for leave to bring in a bill to prolong the existence of the naval commission, to cast a slur upon the conduct of that commission. Such a reflection from any man in the house would excite surprise, but from the right hon. gentleman, on such an occasion too, it must be peculiarly surprising. Not only that, but he was quite sure it was decidedly opposite to the general opinion of that house, and the universally received sentiment of the country, that those commissioners were in any part of their conduct deserving of censure. So far from it, that there could be no doubt that the public feeling was warmly in their favour, too much so indeed to afford any thing like a gracious reception to the right hon. gentleman's remarks. Those commissioners, in his judgment, and he believed there were very few who really differed from him, had discharged their duty with peculiar moderation and justice. If the right hon. gentleman thought that they had in any instance deviated from that

that duty, or made an improper exercise of the power intrusted to them, it was incumbent on him to have stated it, and not to have dealt in loose insinuation. Persuaded of the merits of this commission, and that where the results of its inquiry were in any case imperfect, that imperfection did not proceed from any want of diligence or capacity on their part, but from a deficiency in the powers with which they were invested, he should move an amendment, the object of which would be to remove that deficiency. The first point upon which he would propose to extend the power of the commissioners, would be to compel public officers to furnish them with accounts or documents in such form as they might think proper to specify. Thus no treasurer of the navy, or other public officer, or deputy, would be permitted to thwart or delay the proceedings of this meritorious commission. The next amendment he would submit would go to repeal or new-model the 5th clause, which appeared to have been so improperly made use of to prevent the full disclosure of public delinquency, and to protect delinquents. Those effects, which were notorious, and which occasioned general regret, must impress the mind of every man who was really anxious for the success of this inquiry, with a strong conviction of the necessity for this amendment. No objection could be made to a further extension of the powers of those commissioners from any apprehension that that power was likely to be abused, for against such an apprehension the discreet and moderate manner in which they had heretofore acted must afford sufficient security. According to the act, as it now stands, every person had, it seems, a right to decline to answer any question which he chose to think might tend to criminate himself. This afforded such a latitude as was calculated completely to defeat all inquiry, and he would appeal to the learned gentleman on the other side (the attorney general), whether any man would be permitted in a court of law to decline answering a question merely upon his own conception that the answer might tend to criminate him. The practice, on the contrary, was, he apprehended, that if a man declined, upon such an allegation, to give an answer, the court was competent to say that it did not appear likely the answer would produce such an effect, and that therefore the witness must answer. If, however, the answer should tend to criminate the witness, the common law would protect him against the consequences. Now it was his wish to invest the naval commission with a discretion of the same nature as that possessed by the judges—that they should have

have the power of compelling reluctant witnesses to answer—that such witnesses should be protected by this act, not against the answer, but against the consequences of such answer. With this view the hon. gentleman moved an addition to the motion, that the word “amend” should be inserted after the word continued.

The *Chancellor of the Exchequer* observed upon the allusions which the hon. gentleman had made to what he thought proper to be thrown out by him upon the conduct of the naval commission. Surely the hon. gentleman could not suppose that because he felt it his duty to bring forward this motion, he was therefore divested of the liberty of speech, or that he was to be held out to the odium of that house or the country, because he had thought proper to animadvert upon the conduct of the naval commissioners. He certainly did think that those commissioners had, in certain instances, executed their powers in a very unbecoming manner. But still he was ready to say that their services were productive of public utility, and in consequence of that opinion he brought forward the motion before the house. With regard to the new provisions recommended by the hon. gentleman, he did not conceive that there were grounds for their adoption. They were at all events of such a nature as to require much deliberation, and therefore he should oppose their introduction into the original frame of the bill. If, however, they should appear upon future consideration to be necessary, it would be competent to the hon. gentleman to propose them in a future stage, when there would be a better opportunity for discussing them than on the present occasion, namely, in the shape of a motion for an instruction to the committee to receive such clause. Into the merits of these amendments he would for the present decline to enter at any length. But as to the last point respecting the 5th clause of the act as it stood, he would say, that it would appear to him a breach of common equity, and a most dangerous innovation upon the old constitutional practice, to oblige a man to criminate himself. It was such a proposition as he trusted the house would feel to be at least deserving of too much serious consideration, at once to give a sort of opinion by the adoption of the honourable gentleman's motion, that such an amendment was necessary.

Mr. Fox entirely concurred with his honourable friend in thinking the insinuation thrown out against the naval commission by the right hon. gentleman who had just sat down, a most extraordinary circumstance indeed, particularly when the

the time at which the right hon. gentleman expressed his disapprobation was taken into view. If the ground of this disapprobation was of a serious and important nature, it was highly inconsistent in him to bring forward the motion before the house; for if the commissioners were deserving of such censure, how could the right hon. gentleman reconcile it with a just sense of public duty, to propose the continuance of their power? But if, on the contrary, the grounds of the right hon. gentleman's disapprobation were of a trifling or comparatively unimportant nature, how strange was the opportunity chosen for declaring it? There was something peculiarly remarkable in the conduct of the right hon. gentleman respecting this commission. At such a time, what could he mean by alluding to trivial errors—

To hint a fault and hesitate dislike,
Willing to hurt, and yet afraid to strike?

(*A cry of hear! hear!*) Those two lines appeared to be quite appropriate to express the disposition of the right hon. gentleman, they seemed to be made for him. With respect to the proposition of his hon. friend, gentlemen would consider that the adoption of it would not go to bind the house to any subsidiary amendments that might be hereafter submitted. He merely proposed that, as amendment was obviously necessary in this act, the original title of the bill should correspond with the desired object. If the amendments recommended by his hon. friend were calculated to intrench on the great and fundamental principles of common law, he would not, from any degree of regard or gratitude to the commissioners of naval inquiry, and no man respected them more than he did, be induced to assent to their adoption. He wished not that any man should be bound to criminate himself; but, in any act which had for its object to compel public officers to account for their conduct of the public money, he was very unwilling that a clause should exist, calculated to shelter any public officer from rendering such account, if he chose to decline it. At least, any officer who should avail himself of such a clause, and thus explicitly declare an apprehension of the discovery of his guilt, ought not to be allowed, for one moment afterwards, to retain his office. The case was different with respect to private individuals. But, when the public thought proper to appoint a commission to inquire into the conduct of its stewards or agents, was it to be borne that any one of such servants should refuse to answer the questions of such a

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commission;

commission; but, still more, was it tolerable that, after such refusal, he should remain in office? If a public officer were innocent, why should he wish to be silent, and, if he were guilty, why should the legislature protect him in his silence?—He did not mean of course that any officer should be forced to furnish grounds of prosecution against himself, but that, if he persisted in that conduct which clearly implied a consciousness of delinquency, he should be dismissed from office. Gentlemen often appeared to forget the nature of these commissions. They were, in fact, to be considered as the representatives of the public, examining the conduct of public servants. If a master were to appoint any person to inquire into the affairs of his family, and a servant were to refuse to answer such questions as might be put to him from a fear of criminating himself, would such a servant be permitted to retain his place? Certainly not. Why, then, should a treasurer of the navy, or his clerk, or any other public servant, however high, be allowed to remain in office after refusing to answer to the agent of their master for the manner in which they had managed his concerns, particularly when their refusal betrayed a sense of guilt? Whether public officers should be compellable to answer such commissions or not, it ought, surely, in common sense and equity, to be understood that a refusal to answer should be immediately followed by dismissal. If that were understood, then the repeal of the 5th clause would not be so essentially necessary, although still a provision to meet such a case as that of Mark Sprott would be called for. That person declined to answer, on the ground that he was not, being no public officer, compellable to answer questions under the act. So he was advised by the lawyers whom he consulted. Perhaps those lawyers were right, but whether or not, it was proper to extend and explain the powers of the commissioners so as to leave no room for doubt or cavil, and to enable them fully to execute the purpose of their appointment. The honourable member repeated, that it was desirable to be understood that such a commission as that under consideration was not to be viewed by public officers as a hostile court of inquiry, but as a representative of the public, to which they are as much obliged to account, as any servants are to the inquiry of their masters.

The *Attorney General* opposed the amendment. If it were adopted, he would put it to the consideration of the house how the bill was to be framed agreeable to its title, unless there was a private communication between the hon. gentleman

man and his right hon. friend before the bill should be drawn up, and that the objections existing in the mind of his right hon. friend against those amendments should be removed. If the objections prevailing against those amendments, which objections he himself felt strongly, should not be done away by future discussion, the house, if the amendment now proposed were acceded to, might be placed in the dilemma of having prefixed a title to a bill, with which the bill itself may prove to be inconsistent. It was manifest to him that it would be much better to postpone the adoption of a title to the bill, which would imply an alteration of the existing act, until that change itself should be determined on.

Mr. Sheridan saw no probability of the private communication, alluded to by the learned gentleman, taking place between his hon. friend (*Mr. Whitbread*) and the right hon. gentleman (*Mr. Pitt*); and still less did he think it probable that even if such communication did take place his hon. friend would be able to convince that right hon. gentleman of the rectitude of any proposition of which he happened at all to disapprove. The objection of the learned gentleman to the amendment before the house would be removed by appointing his hon. friend to assist in preparing the bill, which would be a proper proceeding on the other side, if they meant to act rightly. The right hon. gentleman had observed that the house did not part with the liberty of animadverting on the conduct of the commissioners of naval inquiry merely by assenting to their appointment. With this observation he concurred, but although the privilege of canvassing their conduct did of course remain to the house, no member could assume the right of throwing out injurious insinuations against those commissioners, without stating the precise ground of complaint. When the right hon. gentleman charged the commissioners with behaving in an unbecoming manner, it was incumbent on him to point out what he condemned, in order that the commissioners might so conduct themselves in future as to avoid his heavy disapprobation. With regard to the remarks of the right hon. gentleman on the fifth clause of the act, and the repugnancy he professed to feel to the unconstitutional idea of compelling a man to criminate himself, it had of late become very much the fashion of the right hon. gentleman and his friends to cry out against self crimination. But he remembered when the right hon. gentleman held a directly opposite language. The argument he offered to-day, was grossly inconsistent with that which he used in the year

1785, when he proposed a commission of inquiry respecting the fees, &c. accepted by certain officers, and when he insisted upon the introduction of a clause quite the contrary of that he defended on this occasion. And this clause was adopted too, notwithstanding the expostulations of that eminent man who was now no more (Mr. Burke), which expostulations that right hon. gentleman then ridiculed. But now he had found it convenient to change his tone, and the identical Mr. Trotter, who it was curious to observe was in 1785 forced to answer to a commission proposed by the right hon. gentleman, was now, with others of the same description, to be protected from answering questions, for fear such gentlemen should criminate themselves. Recurring to the loose censures of the right hon. gentleman on the conduct of the naval commissioners, the hon. member observed, that he meant the day after the next to move a vote of thanks to those commissioners. Upon that vote he hoped for unanimity—that the gratitude of that house would not fall short of the feelings of the country—that their thanks should not be mean and niggardly, but full and complete, equal to the warm wishes of the public. In making this motion he thought it right to warn the right hon. gentleman, who seemed so unwilling to explain the grounds of his objection to the naval commissioners, that he would take care so to word that motion, as to compel the right hon. gentleman to dissent from it altogether, or to state in fairness and candour the parts of their conduct which he disapproved.

Mr. Rose had been always a friend to inquiries of this nature, since he had had the honour of a seat in that house. It was not to be supposed, he observed, that men who sat on the same side of the house with him, were not as anxious to protect the public money from dilapidations as any other persons. If any gentleman thought otherwise with respect to him—if he knew any thing, he challenged him to state it. Adverting to the allusion made by the hon. gentleman who had just sat down, to the conduct of his right hon. friend in the year 1785, he maintained that the charge of inconsistency was unfounded—that his right hon. friend proceeded upon the same principle at that time which he professed that evening.

Mr. Banks thought some amendments appeared necessary in this act, in order to do away the obstructions of which the commissioners themselves complained, and which were evident from the tenth report. But yet, he would wish to wait until

until the house should have full opportunity to examine the provisions of this act, in order to ascertain whether these obstructions were the result of an inherent vice in the act, or of a misconstruction of the commissioners.

After a few words from Mr. Whitbread, in which he expressed his disposition to decline pressing his amendment, and from Mr. Pitt, in vindication of his consistency, leave was given to bring in the bill, and Mr. Pitt and the Attorney-general were ordered to prepare and bring in the same.

CIVIL AND MILITARY COMMISSIONS.

The *Chancellor of the Exchequer* then moved for leave to bring in a bill for appointing commissioners to inquire into the public expenditure of the country, particularly in the military establishments, with liberty to them to report to the house such regulations as occurred to them calculated for the better management of the public expenditure.—He thought it would be unnecessary for him to enter at any length into an explanation of the different objects of the bill, after what he had stated on a former night. The bill was meant chiefly to apply to the military establishments, the ordnance, barracks, &c. Another important object was an examination into the state of the public accounts. Auditors of accounts had some years since been appointed, whose investigations had been of considerable public utility. From the long war, however, and other circumstances which had contributed to render their duty more laborious and weighty, great arrears had been allowed to accumulate, and they had not been enabled to bring their examination down to so recent a period as could have been wished. His object, therefore, was to appoint additional auditors to manage this load of unaudited accounts, till once things could be brought into such a train that one set of commissioners would be sufficient to manage the whole. This might be the subject of a separate bill; but at the same time he meant the commissioners appointed by the bill now sought to be introduced to have a general superintendence over the whole. Another object would be an investigation into the money improperly taken from the treasury in West India transactions, and should altogether be of a prospective nature. He should be anxious to attend to the suggestions of any hon. gentleman on the subject, by which the general object in view could be promoted, and any abuses be corrected.

Mr. James Fitzgerald asked if it was meant that the inquiry

quiry should extend to Ireland? No place wanted reform of abuses so much.

The Chancellor of the Exchequer replied that the same system was meant to apply to the joint services of the two countries.

Mr. Fitzgerald inquired if the commissioners were to be the same for both countries?

The Chancellor of the Exchequer said, he entertained some doubts how far that might be expedient, but he had not yet completely made up his mind on the subject.

Mr. Fox, however anxious he might be to see bills introduced for the cure and prevention of abuses, could not bring his mind to approve of any bill of the kind brought in at the present moment, under the auspices of the right hon. gentleman. Considering every thing which had been lately brought to light against the dear friend and colleague of the right hon. gentleman, the house was called on the present proceeding with a considerable degree of doubt and suspicion. The delicacy of the right hon. gentleman's situation, he really expected, would have kept him from forcing himself into so suspicious a service. If he (Mr. Fox) had been connected in such strong habits of intimacy with any person found guilty of such charges, he should have taken great care not to have suffered it to have been in the power of his first and bitterest enemy to say, "You have taken into your own hands the appointment of a committee, or of commissioners, to investigate the charges of malversation in office, alleged, and, in some instances, admitted to have been practised by your colleagues, and from which you yourself are not altogether free." When he saw the same person undertake the defence of the accused, and then, contrary to practice, and to every thing favourable even to the appearance of an honest inquiry, take on himself in the first instance to name the committee by whom the inquiry was to be prosecuted, he could not look on the transaction without the strongest suspicion. He would ask the house, if Lord Melville had had the nomination of the commissioners of naval inquiry, did they believe that the tenth report would ever have appeared?—And if so, was a contrary belief to be entertained with regard to the present commission, for examining abuses in which probably the right hon. gentleman was implicated?—He hoped the house would well weigh this point, and recollect that if ever there was a time in which they were called on not to pay attention to the recommendation of
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a minister, this was the time. It was not in one department only that abuses existed. The eleventh report proved that the treasury was not free from imputation, and yet the right hon. gentleman, himself at the head of the treasury board, thought himself entitled to nominate the persons who were to be the purgators or condemnators of that board. If the right hon. gentleman or the house thought that this would satisfy the country they were grossly deceived.

Lord Castlereagh asked if there was, in the political annals of the country, a long political life more marked for its purity than that of Mr. Pitt; or, if there was at that moment a person in that house so much entitled to public confidence? He called on the house to support its own dignity, and not to allow insinuations, like those thrown out by the last speaker, to operate on their decision.

Mr. Grey, without meaning to question the purity of Mr. Pitt, thought himself warranted in maintaining, that it was too frequently the case, when the head of an administration was uncorrupted himself, that the grossest corruption subsisted in the subordinate parts. He could not help remarking the fire with which the noble lord (*Castlereagh*) resisted, what he termed, insinuations, and yet the calmness with which he submitted to direct charges. He particularly alluded to an instance of this nature, where the noble lord expressed himself in most indignant terms against an insinuation, as he termed it, thrown out by an hon. gentleman, whom he (*Mr. Grey*), did not then see in his place (*Mr. Foster*), reflecting on the Irish house of commons; but, when Mr. Foster denied that he had made any insinuation, and actually charged that money had been paid to procure votes for the union, and that almost every Irish member who supported it had been most grossly corrupted, the noble lord, who had been so indignant at the supposed insinuation, sat silently under the direct charge.

Leave was then given to bring in the bill, and Mr. Pitt and the attorney and solicitor general were directed to prepare the same.

LORD MELVILLE, &c.

Mr. Spencer Stanhope rose to move that the attorney general be instructed to commence a prosecution against Lord Melville and Mr. Trotter, for ascertaining and recovering for the use of the public the profits arising from such monies as had come into their hands for naval services since January 1786. In doing so the honourable member expressed a hope that

that Lord Melville would clear himself from any participation in the transaction. He stated that he had voted in favour of Lord Melville on the previous divisions, being an enemy to that cruel system of cutting off a man's head and trying him afterwards; and that he thought an investigation in the exchequer the only fair mode of bringing the question to an issue.

Sir R. Buxton seconded the motion. Owing to indisposition he had not had an opportunity of voting on the first night when the question was agitated, though he thought he should have voted with the majority, as he considered the case to be very bad against the noble lord.

Mr. Banks regretted that the motion had been made. He was convinced had an opportunity been afforded that house of revising their vote of the preceding night, the result would have been different, and that many hon. gentlemen now saw the propriety of enlarging the powers of the committee. As, however, the motion had been made, it must be disposed of in some shape or other. Many difficulties lay in the way of a decision on the subject in a civil court: The opportunity of demurring—the doubt how far money not entrusted to the parties for the sake of gain could be sued for—the mixture of the property, and the intricacy and perplexed state of the accounts, left little expectation of a favourable issue. He therefore submitted that a prosecution of a criminal nature on the apparent part of the case for violation of an act of parliament and gross breach of duty, would be a course more expeditious, less uncertain, more consistent with the dignity and character of that house, and more conformable to the wishes of the country, than any action of a pecuniary nature could be. There was nothing in this, too, which precluded them from afterwards going into a civil suit. He therefore proposed as an amendment, “that the attorney general be instructed to prosecute Lord Melville and Mr. Trotter for the said offence.”

Mr. Windham considered it perfectly clear that the best way of proceeding would have been to have referred the whole matter to a select committee, who would have taken the opinion of the law officers in what manner the suit ought to be brought with the best chance of succeeding in its object. They would have been able so ascertain whether there existed evidence sufficient either to support a civil action, or a criminal prosecution. Since that course was not taken, and the alternative lay merely between the civil action and the criminal prosecution, he should give his vote for the latter.

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The *Master of the Rolls* thought it would be easier to procure evidence sufficient to succeed in the civil action, than to succeed in the criminal prosecution to any beneficial effect: for if on a prosecution there was evidence to prove a corrupt participation, it could not be supposed that the court of King's Bench would inflict any fine of such magnitude as to repay what might have been made. At present, there was no evidence at all of such participation, and he did not see that there was any reason to expect any. A civil action was, therefore, the only one by which the profits of the monies might be recovered for the nation.

Dr. Laurence contended, that the resolutions of the house only went to one branch of the charge, namely, the violation of the law, which had been admitted, and could not preclude an inquiry into the participation in the speculation, which was punishable both in a civil and criminal point of view.

Sir John Newport thought the recovery of the money was a paltry, inconsiderable object, when compared with that of punishing the offenders. He did not know that a criminal conviction would indemnify them from a civil action afterwards for the recovery of those profits.

Mr. Fox said his object was, that Lord Melville should in some way or other be prosecuted, and in some way or other be punished. At present he had only to get for his constituents and the public the best redress he could. He considered the question of law so clear that he was not afraid of letting it go to a trial; but he preferred a criminal prosecution to a civil action.

Mr. T. Grenville was also for a criminal prosecution.

Mr. Sheridan took notice of the mistake into which it appeared to him that the mover had fallen; he had said that he did not believe that Lord Melville had participated with Mr. Trotter, (and certainly there was no evidence of such participation), and yet he spoke of his being compellable to refund by a civil action. If he had not participated, he did not see how he had become liable to refund. If he was innocent of any corrupt participation, and he would again repeat that there was at present nothing like evidence of the fact, then he thought a civil action ought not to be brought. If he were guilty, a criminal prosecution would as completely answer the ends of justice; but in either case there must be produced such evidence as the commissioners never had, respecting the corrupt intention, which alone would constitute the criminality.

Mr. Wulberforce expressed his sorrow that he had been prevented from attending on the preceding night, when the business of the committee was agitated. The hon. gentleman who had made the present motion did not seem to have attended to the circumstances of the case. For that hon. gentleman he entertained the highest respect, but he could not think that his motion was calculated to produce any good effect. The subject of the motion was one on which there was no proof, and in the success of which, their own professional members did not hold out to them any very flattering hopes. What man could seriously listen to the recommendation, who would not almost smile at the right hon. and learned gentlemen, in contending that a civil prosecution was the only remedy, and yet at the same time confessing that they would not answer for the success of it? He sincerely regretted that the powers of the committee had been restricted. On the investigations there to be made, the public might have relied for success. Any other mode must be open to disappointments, inconvenience, and delay. The attention of the public was fixed on the proceedings of the house, and of the courts of judicature to which they should resort for justice and punishment of the offenders. He was averse from allowing the possibility of the ends of justice to be defeated, or that any disappointment should flow from such a quarter; that the public should find that they were so shortsighted, ignorant and improvident as to the decision which must follow. It was their duty, they were called on to preserve the good opinion of the public in the courts of law of the kingdom; and, so far as in them lay, not to allow the public mind to relax in any share of that love, confidence and affection in their proceedings which we knew at present existed. Here a great public delinquent had been proclaimed to the country—his offence had even been in part acknowledged; but when parliament carried him into a court of law nothing could be made of him. He approved of the observation of the hon. baronet (Sir John Newport). It was not money which the house and the country sought for in this instance; it was for the adoption of that proceeding which should best consult the dignity and honour of parliament, and of the nation. His hon. friend (Mr. Bankes) had said, that the adopting of the one mode of proceeding in the criminal court, would not preclude them from their civil suit. In this he agreed with his hon. friend. He had not contended, as the hon. and learned gentleman (the master of the rolls) seemed to imagine, that they would avail themselves

selves of both proceedings. That he understood not to be the meaning of his hon. friend; but only that if one failed they might then recur to the other. If in the criminal action they felt embarrassed, they might be entitled in the civil action to attempt something like compelling restitution. It was of the utmost importance for parliament to take care that they did not go to demand the opinion of a court of judicature in that part of their case in which there was a chance of failure. He was a great friend to judicial proceeding, and he wished the people in general to be so. He confessed he had had doubts, although the spirit of the law was unquestionably with them; whether it was equally clear that the letter of the law was so too. None of those gentlemen, however, who were better qualified than he pretended to be to judge on that subject, having started any doubt on the subject, he should hope there was on that point no risk of failure. Failure was at this moment greatly to be deprecated. It was not against the courts of law alone that the obloquy would attach. Parliament would also come in for its share. He was not anxious for popularity, he was solely solicitous to preserve unbroken those bonds of esteem, affection, and confidence, which he hoped would always continue to subsist between the people of this country and parliament. He therefore, as the best measure which now remained to be adopted, gave the amendment his support.

The *Chancellor of the Exchequer* remarked the difference of opinion which now prevailed as to the mode of proceeding. It was the proposal of Mr. Whitbread, after mature consideration, that a civil suit against Lord Melville and Mr. Trotter should take place, and now that course was rejected as nugatory. As to accompanying that mode of proceeding with a committee of farther inquiry, he begged leave to say, that he had never stated that he was willing that to the powers of the committee should be added that of inquiry into the affair of Lord Melville and Mr. Trotter, if a legal course of proceeding was adopted. He had only said, that if it appeared that any important point deserved to be inquired into by the committee, he had no objections that it should be referred to it, but certainly no part that was to be investigated either by a civil or a penal proceeding. The real question was now between two modes of proceeding. The civil suit was that which promised most success, if indeed Lord Melville had partaken with Mr. Trotter. As to a criminal proceeding, he conceived that on Wednesday, the 10th, the house had evinced a disinclination

clination to any further proceedings of vengeance, and he thought that the deep wound already inflicted on the noble lord was punishment sufficient, and in that opinion the house seemed on that occasion to concur.

Mr. Whitbread vindicated the course of proceedings he had pursued. He said that he had not abandoned the mode of proceeding by suit; but on a former night he would not make a motion to that effect, because he saw that it was seized on as a screen for Lord Melville. On the present occasion he voted for the amendment (of Mr. Bankes) as the only way left of obtaining public justice, and following up the resolutions of the house.

The *Attorney General* explained what he had said on a former night. He had never said that a proceeding in exchequer would be ineffectual. It would be attended with difficulty, but less difficulty than even a proceeding in a committee, or in a criminal form. As to the court of king's bench imposing a fine adequate to the profits (if any) made by Lord Melville, that could not be, as in a criminal proceeding there would be no means of ascertaining the extent of them, and of fixing the fine accordingly. He concluded with saying that a civil suit was far more likely than a criminal one to obtain the ends of justice.

Mr. Tierney denied that the inquisitorial powers of the house were so limited as had been insinuated by the attorney general. He thought the house had the highest inquisitorial powers, and most adequate to the examination of abuses and offences, and he thought the house ought to have retained the case in its own hands; but this not being done, nothing remained but the choice between two modes of proceeding. He denied that Lord Melville had been punished, or that the house had expressed any determination to do nothing farther. The house had resolved that Lord Melville had been guilty of a gross violation of law, and their honour and dignity required that they should do something to give effect to those resolutions. He lamented that the house should part with its high inquisitorial power. There was no precedent of a cabinet minister found guilty of a violation of law, and suspected of making use of the public money, being referred to the attorney general. He regretted it was to be done now, but something was due to public justice, to the expectation of the nation, and that could alone be done by the criminal prosecution, which, if it did not procure the restitution of the money,

ney, would, in all probability, obtain the satisfaction of the punishment of the delinquents.

Mr. Serjeant Best contended, that a prosecution by civil suit could answer no good purpose, but a criminal proceeding might secure the punishment of the offenders, who he denied were yet punished.

The house then divided :

For the original motion for a civil suit	223
For Mr. Banks's amendment	128

Majority	95
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Whilst strangers were excluded, we understand the report of the committee to scrutinize the ballot for a select committee relative to the tenth report was brought up. A motion of adjournment was made on the opposition side, on which the house divided,

For it	98
Against it	240

Majority	142
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Some discussion ensued on the names of the select committee, which ended in the debate being postponed till the next day, Mr. Whitbread having given notice that he should move to expunge certain names from the list.

After strangers were admitted, Mr. Vansittart moved for copies of correspondence relative to Kilmainham prison, which were ordered.

The other orders of the day were disposed of, and the house adjourned at two o'clock in the morning.

HOUSE OF LORDS.

TUESDAY, APRIL 30.

Counsel was heard in conclusion in the appeal cause *Blane v. the Earl of Cassilis*.

Several private bills were brought up from the commons, and read a first time.

Counsel was called in on Moore's divorce bill, but there being some informality in the wording of a clause in the bill, the argument of counsel was deferred till Thursday.

Adjourned.

HOUSE

HOUSE OF COMMONS.

TUESDAY, APRIL 30.

The Thames tunnel bill was read a second time, and ordered to be committed.

The petitions of the clothworkers and shearmen of the counties of York, Somerset and Gloucester were ordered to be referred to a committee.

A bill for augmenting the salaries of the clergy in Ireland was read a first, and ordered to be read a second time, and also to be printed.

Mr. Owen presented at the bar the annual accounts of the East India company, pursuant to act of parliament.

Mr. Irving, in like manner, delivered in an account of the number of ships cleared out for the coast of Africa, together with their tonnage, &c. pursuant to the order of the house. Both the above-mentioned documents were ordered to be laid on the table.

On the motion of Mr. Rose it was ordered that an account should be laid before the house of the quantity of ballast which has been put on board vessels in the river Thames for the last 30 years, specifying the quantity to each class of shipping, foreign vessels, British engaged in foreign trade, and coasters.

An account of the quantity of copper which has been melted for the use of the navy, and also of the sheathing now in the dock-yards, was also ordered to be presented.

MIDDESEX ELECTION.

Mr. Henry Thornton, pursuant to notice, rose to move for the discharge of the order for taking into consideration the petition complaining of the want of qualification of Mr. Mainwaring, on Thursday, the 2d of May. There were two ways of getting rid of the petition, either by withdrawing it, or by discharging the order. As those who presented the petition had neglected to withdraw it, and as the time fixed for taking it into consideration was so near, he thought it his duty to submit the motion of which he had given notice; and particularly, as Sir Francis Burdett and his friends would not be precluded from being heard touching the charge contained in the petition before the committee to whom the petition and the merits of the election had been referred. It would be

be contrary to the spirit of the act, that the same matter should be tried before two different committees.

Mr. Creevey and Mr. Peter Moore claimed, on the part of the petitioners, the right of being heard as to the matter of complaint in case the final decision of the committee on the merits should be in favour of the candidate complained against; but after a few observations from Mr. Thornton and from the Speaker, in explanation of the situation in which the house was, with regard to a proceeding which, as the party complained of was not a member of the house, could not possibly have any fruit, the order was discharged.

Mr. Lee obtained leave to bring in a bill for the better provision of a supply of water for the cities and towns of Ireland.

The Secretary at War presented the estimates of the expences of the volunteer force in Great Britain and Ireland for the present year, and gave notice that he should move them in the committee of supply on Friday next.

Sir Theophilus Metcalfe moved the second reading of the Pancras parish bill, which was opposed by Messrs. Calcraft and Moore, and on a division taking place the motion was carried in the affirmative. The bill was then read a second time, and ordered to be committed.

Mr. Foster presented a bill for preventing the counterfeiting of bank silver tokens in Ireland. It was read a first time, and ordered to be read a second time the next day.

STIPENDIARY CURATES RESIDENCE BILL.

The *Attorney General*, pursuant to notice, moved for leave to bring in a bill for encouraging the residence of stipendiary curates on their cures. The bill was the same as one which had already received the sanction of the house, though from its having had, when it passed before, a clause in it for making provision for such curates as should be deprived of their curacies by the effect of the rectors residence bill, it had been considered in the other house as a money bill, and on that ground rejected. His learned friend (Sir W. Scott) who had introduced that bill, had since brought forward another without the exceptionable clauses, but had been prevented by his professional duties from attending to its progress. The same cause still prevented him from bringing forward the measure, and in consequence the duty had devolved on him. His object was not to alter the laws as they stand at present with respect to livings under 400l. per annum, the bishops having power to

to enforce a residence; but when the living exceeded that sum, he thought there could be no objection to a clause for obliging the rector to provide a resident clergyman, with a salary of 200*l.* a year. He therefore moved for leave to bring in a bill to encourage the residence of stipendiary curates on their cures.

Sir John Newport suggested the propriety, as both countries were now united, of extending the provisions of the bill to Ireland.

The Chancellor of the Exchequer informed the hon. baronet, that a learned member behind him (Dr. Duigenan) had a bill of the same nature in contemplation to bring forward for Ireland.

Dr. Duigenan stated, that the bill was drawn up, and had been recommended by the bishops of Ireland. It would shortly be introduced, and the hon. baronet would have an opportunity of moving any amendments in the committee.

After a few words from Mr. Creevey, Mr. P. Moore, the Attorney General, and Sir John Newport, leave was given to bring in the bill.

FIRST REPORT OF NAVAL INQUIRY.

Sir Andrew Hamond, pursuant to notice, moved that there be laid before the house, a copy of the letter of the navy board to the admiralty, dated the 5th of April, 1805, together with a copy of the memorial enclosed, relating to the answer of the navy board to the first report of the commissioners of naval inquiry.

Sir Charles Pale did not mean to object to the motion, but to say, that he hoped that by the papers it would appear that the navy board had recovered the money said to be lost in that report. Two years had already elapsed since the report had been made.

Sir A. Hamond replied, that no time had been lost by the navy board. They had put the matter into the hands of the law officers of the crown. The papers were then ordered, and were immediately after presented by Mr. W. Dickinson, and ordered to lie on the table, and to be printed.

The Chancellor of the Exchequer gave notice, that he should move the army extraordinaries in the committee of supply on Friday next.

COMMITTEE ON TENTH REPORT.

The Chancellor of the Exchequer moved, that the names of

of the persons chosen on a former day, to form the committee of inquiry, should then be read.

As soon as the clerk had finished reading the list,

Mr. Whitbread observed, that the names were exactly the same as those which he had mentioned before the ballot had taken place. He put it to the house to consider the situation in which they would be placed. An abuse had been publicly declared to have existed, and a right honourable gentleman opposite him was said to have been in some degree connected with the transaction. He steps boldly and magnanimously forward to confront his accusers, and says, "well then, let us go into a committee to inquire and probe this business to the bottom." But what would the country say, if they were to hear that it was nominated, or at least that it was recommended by some of his friends who were the most likely to be influenced by him? Such a mode of proceeding he really conceived to be too farcical to be seriously entertained by the legislature of any country. The honourable member then adverted to some of the names which had been returned on the list, and commented on their different situations and connections. Lord Castlereagh, the Master of the Rolls, and Sir William Scott, he said, he believed had sworn on a former occasion, that the duties of their different situations were of such a nature that they could not have time to serve on an election committee. Besides these, there were Mr. Foster, the minister for Ireland, and Lord Dunlo, who has a place also connected with administration. He did not mean to say these noble lords and hon. gentlemen would not be actuated by the most pure and upright motives. But he would ask of the house, whether it was not possible that persons could be selected who would be less liable to suspicion from their situations or connections? He thought it would be most especially open to the animadversions of the public, that a noble lord opposite him should form one of that committee, a person who was not only a placeman, but who seemed to be a perpetual placeman, a person whom no political storms could drive from office, but a person who has some time since declared that he thought it proper to have two strings to his bow; indeed he did not know how many strings he had to it by this time; the noble lord might, for what he could say, have as many as a very well known person had once to his knees. He would ask, was a person who had been in with one administration, who then united with another, formed on directly opposite principles, and who, after that, got again

into place along with his first political friends, he would ask, was the appointment of such a person the most likely to carry with it an idea of the impartiality and purity of the committee? He did not mean to question the honourable principles upon which, no doubt, that noble lord always acted; and had no doubt of the generous feelings of private friendship of which he was possessed. He did not doubt that he entertained the most cordial friendship for his honourable friend, neither did he doubt that that right honourable gentleman entertained the same sort of friendly esteem and regard for his noble friend. But it was possible that the public might fancy that his palate might have been vitiated by some of the transactions which took place at the time of the union. A person who had been so spoken of, was certainly not the most clear of suspicion. He should feel it his duty, therefore, to submit an extraordinary motion to the house, but the extraordinary circumstances of the case, in his opinion, fully warranted him so to do. He should move that some of those names to which he had alluded be struck off the list. It might be observed that there was another name very high upon the list, which was to the full as liable to objection as any of the former, but for a very opposite reason—that name was his own; and if any one gentleman in the house should be opinion that he had been a persecutor rather than a prosecutor, or should suppose that he was likely to act with more rigour than justice, he was very willing that either the 221 gentlemen who had balloted for his being on the committee, should be called on to revise their decision, or that his name should at once be struck off the list. But as long as he was a member of that house he should continue to follow and endeavour to crush all abuses in whatever department of the state they might exist; for he was well convinced that the majority, of which the right honourable the speaker had formed a most distinguished part, had the general sentiments of almost every man in England, Ireland, and Scotland, with them to the full extent of their resolutions. If the first motion which he had to submit to the house should be agreed to, he would then propose that the name of an honourable friend of his opposite him should be put upon the list in the place of that which should be struck off the list. The person he should in that case propose was Mr. Baker (of Hertford), a person whom he had uniformly opposed in politics, and whose election he had thought it his duty to oppose; but whose name would carry respect with it throughout the country. The
honourable

honourable member concluded with moving that the name of Lord Viscount Castlereagh be struck off the list.

The *Master of the Rolls* felt himself called on by some observations that had fallen from the hon. gentleman to address a few words to the house. If it was meant that he should attend every day on the committee, he most undoubtedly could not consistently with his public duties. In making an affidavit to exempt him from serving on an election committee, he could not be understood to swear that there was no day, no moment in which he was disengaged from business. He had consented to serve on committees of another description, on the civil list committee, and on the committee on barley of the growth of Scotland, and upon the evidence taken during his absence was enabled to form his opinion. If the same course were to be pursued in this case, he might continue in the list, and could not therefore on that ground be disqualified. The house would give him credit for not having stated frivolous pretences, and he assured them that he had never declined one public duty but to attend to another of more importance. His immediate predecessor had been excused on the same ground, and yet had served on two secret committees, in 1797 and in 1799. He had no objection to submit to the decision of the house. He had no reason to think that he was objected to on other grounds. He had been many years a member of the house, and had never taken up a moment of its time by speaking of himself. He had never made professions, but regulated his conduct by his character. He had never set up high political virtue to the disparagement of those about him. He had no political attachments. He would not sacrifice his character for any political object. In the whole discussions that had taken place, he had not used a single expression which he would not have used in the case of the most indifferent person. He held it to be a wise principle in every popular assembly to place every control upon itself, in order to secure an accurate investigation and cool deliberation. He had not been actuated by partiality or by personal feelings, when he declared that the sheriffs of Middlesex ought not to be sent to prison without being heard. He had never the presumption to impute improper motives to any gentleman, he was only anxious to take care of his own conduct. He had never lent the sanction of his small credit to any thing in itself unjust for present convenience. He had never controverted any principle of law or of justice. With

such sentiments and principles, he was confident he could go to the performance of his duty on the committee fairly and impartially. After a few observations, tending to prove the impossibility of shewing any partiality in the committee, the learned gentleman concluded his speech with apologising to the house for having trespassed on their attention. He had not risen to speak to the immediate question, but to submit a few observations in justification of the principles on which he had hitherto conducted himself.

Mr. Whitbread disclaimed any intention of having applied any personal observations to the learned member.

Lord Fitzharris denied that the conduct of the treasury in issuing a list was more reprehensible than that of the hon. gentleman opposite, who brought down a list to the house.

Mr. Fox could not consider the acts at all similar; the influence possessed by the treasury rendered their recommendation of a list highly improper. If he himself had been accused, and his conduct had been referred to a committee, he should have considered the man who wished him to recommend a list of those whom he was desirous to have for his judges, as offering him an affront. If the right hon. gentleman did not feel in the same way, he could not wish him joy of his feelings.

The *Chancellor of the Exchequer* observed, that the feelings of men differed exceedingly. His did not prompt him, when he saw a number of men disposed to find him guilty before examination, to take them for his jury to the exclusion of any of the majority of the house or the country. He did not entertain such a chimerical sense of honour as to sacrifice every principle of common sense and of the law of England to the purpose of obtaining the approbation of the gentlemen opposite.—He exposed the absurdity of comparing election committees with such as the present, and contended that they were characteristically different. Did the hon. gentleman opposite mean to say, that because certain persons were prevented by their avocations from devoting weeks and months to election committees, that they were, therefore, to be excluded from any other? If so, then on any important question of finance, of politics, or of law, the country would be deprived of the labours of those very men who were most able to afford advice.—As to what had been said of popular opinion, the hon. gentleman bestowed that name on what was no more than a party cry.

Mr.

Mr. Sheridan asked, if the resolutions of the city of London were a party cry? if the unanimous voice of the country was a party cry? or if the glorious vote of that house was a party cry? He asserted, that any person holding an office under the crown was unfit to be a juror in the present case, much more an individual who after going out of office with the right hon. gentleman, returned to and remained in another administration, for the purpose, no doubt, of opening a bye-path to allow of the re-admission of his right hon. friend. *Mr. Sheridan* alluded to the act of parliament some years ago introduced by Lord Melville, precluding all persons in official situations from sitting on the examination of the Indian delinquencies, and contended that the principle recognized in that act applied most strongly to the present case. If the right hon. gentleman was not on his trial before the committee, who was? Lord Melville and *Mr. Trotter* had been removed from their cognizance, and the three points referred to their consideration, namely, the knowledge of the drawing out of the public money from the bank, in an illegal manner, by *Mr. Trotter*; the diverting the public money, appropriated by the legislature to naval services, to other purposes; and the *quietus* granted to Lord Melville on account of *Mr. Jellicoe*, all referred to the right hon. gentleman. The conduct of the right hon. gentleman in the first instance, in demanding a trial, was highly to be applauded, but that applause must cease when he was found so anxious to draw up the indictment, and to nominate the jury; such proceedings as the present would throw a slur on the committee, which would therefore never answer the public expectation.

Mr. H. Lascelles, before he consented to be on the committee, wished to know if any objections, public or private, existed in the minds of the gentlemen opposite against him?

Mr. Whitbread said he had put the hon. gentleman's name in his list, and with his consent.

Mr. Fuller had given the right hon. gentleman his support; and wished him now to act so as to clear his honour, which, he did not doubt, would shine out with all its original brightness, if he would reject this suspicious mode of forming a committee.—He condemned the argument of the master of the rolls as mere quibbling.

Mr. Canning complained that his hon. and learned friend (the master of the rolls) had been arraigned in his absence, and blamed for having entered on a justification of himself in

in circumstances that so peculiarly led to it. He was sure, however, that he might say also in the absence of that right hon. gentleman, that there never was a man to whom the task of justifying himself was more easy or less necessary. He reprobated the terms that had been employed by some hon. gentlemen in speaking of the committee, and thought his hon. friend (Mr. Lascelles) perfectly justifiable in resenting the general language of opprobrium that had been applied to it.—They had been told by an hon. member that he was far from meaning to attach any disrespect to his hon. friend, or to impute any disgrace to individuals of the committee. What! said the right hon. gentleman, is it then no disgrace to belong to a packed jury, such as they attempted to represent this committee? He was glad, however, his hon. friend had taken an opportunity of having such broad imputations contradicted. In regard to Mr. Baker, for whom he had the greatest respect, he contended that he had been introduced merely for the purpose of giving more weight to their objections against the noble lord, and not from any real regard for that hon. gentleman. They had proposed him in form not in substance. It was not to obtain his assistance to the committee, but to get quit of his noble friend, they had brought him forward. Though to Mr. Baker, therefore, he could have no objection, he regarded himself as bound to resist the motion. His right hon. friend had been represented as shrinking from inquiry—but how was that charge attempted to be made out? Was it by stating, as they had done, that he had withdrawn from the cognizance of the committee every thing but what related to himself? This, instead of shrinking from an inquiry, was more like courting it, so far at least as related to himself. His hon. friend indeed had always wished inquiry, and had originally contended for that very mode of inquiry which the house had at last adopted, he meant a committee. As to what farther respected Lord Melville in the report, the house had already decided, that it was better to refer it to a court of law, and to recover such monies as the public might be found to have a claim to. It had been suggested by some gentlemen that the committee should be formed by allowing each side of the house alternately to name a member. Let the list brought down by the hon. gentleman opposite, and the list said to be recommended by government be compared, and it would then be seen in which the principle of equalization had been most closely adhered to.

Mr.

Mr. Jekyll repeated the arguments used by *Mr. Whitbread*, *Mr. Sheridan*, &c. The question was, whether the noble lord should or should not remain on the list of the committee; but it was singular that not a syllable had been urged by either of the right hon. gentlemen opposite, to prove that he ought to remain there.

Mr. Windham said, that it was his intention to propose that his name should be struck off from this committee, upon nearly the same grounds that the noble lord who was the subject of the motion was, in his opinion, ineligible; namely, the friendly and intimate intercourse which he had had with the right hon. gentleman whose conduct was to be investigated. It was a duty which he did not wish to undertake. As to the nature of the committee, it ought, in his judgment, to be composed, not merely of impartial, unprejudiced persons, but of those who would be zealous and active in their researches, who would in fact be a vigorous and accusing committee. They should not, as some gentlemen recommend, consist of a certain number of members from each side of the house—of a mere junction of the salt and alkali, to neutralize the vigour and resolution that was necessary to probe this important case to the bottom. The committee was not meant for judicial decision, but to collect and bring forth all the grounds for a charge, to be submitted to the consideration of the house. Was it not then singular that the very person accused, should himself nominate the committee that was to examine the grounds of the accusation? When a friend was thus appointed to pursue such examination, he must be rather a sturdy moralist to use the necessary diligence in order to seek out facts likely to lead to conviction. The trial was too severe for any man to submit to, and the confidence was too much for the house to repose. It was a trial which he was not willing to encounter: He once acted with the right hon. gentleman, although he now disagreed with him; and, indeed, to speak correctly, he did not even when he appeared to act with the right hon. gentleman entirely agree with him. The agreement was rather comparative than absolute—rather with reference to the sentiments of those then opposed to the right hon. gentleman, and with whom he (*Mr. Windham*) now concurred, than from a complete coincidence in the views entertained by the right hon. gentleman. Still his connection with the right hon. gentleman had been such that he did not wish to be a member of a committee appointed to arraign his conduct.

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In considering the powers with which this committee was vested, combined with the persons of which it was composed, he really did not think it was calculated to give satisfaction to the country. And however little he might be disposed to enforce a devoted reverence for public opinion on points of peace and war, upon which, what was called the public was generally incompetent to judge; yet upon such an occasion as this, he would maintain that the opinion of the public was entitled to peculiar attention. The reasonable suspicions of the public should be guarded against, without any regard to prejudice or malignity. As Dr. Johnson said respecting the partisans of the antiquity of Ossian's poems, although they could not satisfy unreasonable incredulity, they should provide against reasonable objection. It was the duty and interest of the house to preserve itself from suspicion in any part of its proceedings upon this delicate question. If the committee were to be constructed according to present appearances, his conviction really was, that although the condemnation of the party accused by such a committee might have weight, their acquittal would have no weight at all. He conjured the house to take such a course as should satisfy the public, and this was a phrase which, used too generally, would rather besit a tea-garden than a great and grave assembly; but it was a fit address to the house on this occasion. The public was the party to be satisfied, for it was the property of the public that had been misapplied. If obliged by the vote of the house to become a member of this committee, under its present constitution particularly, he declared that he should enter into it with disgust.

Lord Castlereagh conceived this motion not to be so much personal to him, as directed against the decision of the house, which had thought proper to appoint him a member of this committee; and it was for the house to consider of the propriety of rescinding that decision. As to the objections that had been made to him on the ground of his former political life, it was remarkable that the hon. mover dwelt upon that part of his conduct in which he happened to differ from his right hon. friend in his public conduct. That part certainly made against the general argument of the hon. mover, as to his unfitness to investigate the conduct of his right hon. friend. The noble lord adverted to the charge advanced against his proceedings relative to the union. But, upon the whole of that transaction he reflected with satisfaction, and with regard to the assertion of his right hon. friend, (Mr. Foster,)

Foster,) which had been quoted by the hon. gentleman, it was never used in the sense in which hon. gentlemen professed to understand it; for if his right hon. friend really believed him to have corruptly applied the public money for the purpose of carrying the union, his right hon. friend knew his duty too well, not to make it the subject of public impeachment. The noble lord exhorted the house to weigh well the motives of action which appeared to direct the other side of the house. Those hon. gentlemen, and particularly the hon. gentleman who took the lead among them, praised the house only when it suited their views, and he trusted the fate of parliament would never be committed to the direction of that hon. gentleman, who, to say the least of him, abandoned parliament at a period of unexampled difficulty and peril. The hon. gentleman then neglected his highest duty. He, for his part, rather wished to look prospectively to the conduct of gentlemen, and not to re-open old sources of discord; but if hon. gentlemen were determined to look back, he had no objection to follow them, and he had no hesitation in saying that he saw nothing in any of the connections of that hon. gentleman that was likely so to neutralize his opinions as to induce him to think that it would be right to trust the fate of the country to his direction.

Mr. Grey considered the observations disorderly in the extreme with which the noble lord had concluded, namely, that his honourable friend (Mr. Fox) was in the habit of praising the conduct of that house only when it suited his own views and became the instrument of his ambition. This, he was sure, was not only to speak incorrectly with reference to the orders of the house, but inconsistently with the truth. With respect to the instance cited by the noble lord in support of his assertion, he had no objection at any time to go into a discussion of all the circumstances which led to that abstinence from attending the meetings of that house on a former occasion, which was so much the subject of censure. It was strange, however, that the gentlemen on the other side should at one time complain of him and his friends for absenting themselves from the house, and now complain of their conduct in attending. In leaving the house on the occasion alluded to, they relieved the right honourable gentleman from being thwarted by any other opposition, and left him in possession of uncontrolled power. How he had used that power, how he had justified the liberal hopes of the country, and the confiding sentiments of the house, he would not now discuss. But re-

ferring to the subject before the house, he would ask whether, in the constitution of this committee, which was meant to investigate the alleged delinquency of the first minister of the crown, it was proper to select one of his own colleagues to become a member of that committee, one who must naturally infer that the conviction of the person accused would immediately produce the reduction of his own power? Was it proper to appoint the noble lord, who might himself be implicated in the misappropriation of money which was complained of? The noble lord had been charged distinctly in that house with having corruptly applied the public money in Ireland, for the purpose of effecting the union. To this charge the noble lord never made even a distinct denial, but he appealed, truly, to the candour of the house, that no man should be compelled to answer a question of that nature, or that his silence should not be argued to imply guilt! Then the noble lord sheltered himself under a similar plea to that which availed so much to the heroes of the tenth report. When then public corruption was the subject to be inquired into, was it rational that a person should be appointed to conduct such inquiry, who was himself charged with public corruption?—To press the appointment of such a person must impress the public, who were particularly anxious upon this subject, with an idea that he was designed to render the inquiry altogether elusory. If the mode of appointing the committee, which was recommended by his honourable friend, had been adopted; if the members had been nominated by the open vote of the house, he had no doubt that even the right honourable gentleman on the opposite bench (Mr. Pitt) would not attempt to propose the person whom it was the object of the motion before the house to remove. He called upon the house not to sanction an appointment that must produce a most injurious inference abroad, with respect to the character of the house. As to the character of the right honourable gentleman, he should say nothing. He would put all idea of personal delicacy with respect to him out of the question, as the right honourable gentleman himself appeared to feel no degree of personal delicacy upon this occasion.

The *Attorney General*, when the honourable gentleman spoke of leaving government unchecked by their retreat from parliament, at a time when the situation of the country was most critical and dangerous, wished it to be recollected that they had stated their reason in a publication not very much to the credit of the house. The right honourable gentleman opposite

site (Mr. Windham) contended that public opinion was not to be made a general rule of conduct, but ought to have particular force in this case. He, on the contrary, thought it ought to have no influence on an inquiry into facts. The right honourable gentleman said, the committee should be an accusing committee, but it should not be an accusing committee to the exclusion of all disposition to inquire into the means of acquittal. It was necessary that the zeal of the committee should seek every thing, and attend equally to what made for crimination and what for acquittal, and he was sure the hon. gentlemen opposite who were included in the committee would pursue the research of criminatory matter with as unabated zeal as they had hitherto pursued the crimination. Their presence on the committee, even though their propositions should be over-ruled, would be a certain check, as they could arraign the report, and submit their propositions and the reasons of them to the judgment of the house.

Mr. Robert Thornton disavowed any wish or intention to screen delinquency, if it existed any where. But he rose only to advert to some of the objections that had been urged against the mode in which the committee had been appointed. It was insinuated, that the right hon. gentleman (Mr. Pitt) had, in a manner, prescribed the appointment of the committee, by sending round a list of names of which he wished it to consist. He was bold to say, that it was utterly impossible for any one individual, whatever might be his situation, to appoint the whole of the 21 members: no such thing could be done, without consulting with his friends. That a list might have been sent round by government, he would not dispute; but may not a list have also been sent about by the opposers of government? Even any ten members, by consulting together, might succeed in getting their list adopted; and what would then be the result, but that a small minority might dictate the members to be chosen? Was there a magic in the list, from whatever quarter it might come, that was to fascinate the eyes of gentlemen, and force them upon a choice contrary to their reason and judgment? He, for one, had got a list; but his vote was not modelled or influenced by that list; and as he had an opportunity of examining the different lists given in, he might report with truth that a great variety of opinions seemed to prevail respecting the names of the members to be selected. He might even ask who communicated the list now before the house to the honourable gentleman

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who

who made the motion? Did he ask that gentleman if he was influenced in his choice merely by seeing the list, and reading over the names? Indeed, when he observed the warmth, and something like party zeal with which the present question had been agitated, he rejoiced in the vote he had given on a former night, for taking the business out of the house, and referring it to another tribunal.

Mr. Martin (of Galway) supported the motion, and asked, would it not be more honourable for the noble viscount to be acquitted by his accusers than by his friends: as surely it would be more to the honour of an individual to be acquitted by a jury, the foreman of which was known to be his personal enemy? He would object to no man, merely because he was a public functionary; but he would examine whether in office he were not corrupt, and whether out of office, he was not venal. Some reference had been made to the conduct of the noble lord in the business of the union. He had voted for that measure; but since he came over to this country he had often reason to repent of his vote. He would shortly state the ground of that vote. Here arose a general cry of *Question! Question! Chair! Chair!* which increased much: when it was observed by

The Speaker, who thought that the argument into which the honourable gentleman was entering did not in reality bear upon the question before the house.

Mr. Martin bowed to the authority of the chair, and the house immediately proceeded to divide—

For the question 86—Against it 219—Majority 133.

While strangers were excluded, *Mr. Windham* moved, that his name might be expunged from the committee; upon which motion another division took place,—Ayes 80—Noes 207—Majority 127.

Adjourned at half past twelve o'clock.

HOUSE OF COMMONS.

WEDNESDAY, MAY 1.

A sufficient number of members to constitute a house not assembling, no business could be transacted; and an adjournment to the next day took place of course.

HOUSE

HOUSE OF LORDS.

THURSDAY, MAY 2.

A few private bills were brought up from the commons, which being read a first time, and the bills upon the table forwarded, an adjournment took place.

HOUSE OF COMMONS.

THURSDAY, MAY 2.

Mr. Grattan was sworn and took his seat as member for the borough of Malton.

A new writ was ordered for the election of a member for the borough of Helston, in the room of John Penn, Esq. who had accepted the Chiltern Hundreds.

The Irish mail coach road bill, the Irish loan bill, and the Irish dollar bill, were read a second time, and ordered to be committed.

Mr. Baker obtained leave to bring in a bill to amend the act of 9 Geo. I. in regulating the duty of parish officers, so far as relates to contracts for lodging, maintaining, and employing the poor.

Mr. Leycester moved, that a message be sent to the house of lords, to request that Lord Melville have leave to come and be examined before the committee to which had been referred the further examination of the matter contained in the tenth report of the commissioners of naval inquiry.

The message was ordered, and Mr. Leycester to be the bearer of it.

Mr. Whitbread informed the house of his wish to give way to his hon. friend (Mr. Sheridan), whose motion had lapsed the preceding day, in consequence of there being no house, he supposed from the great fatigue gentlemen had lately undergone. He trusted, that an hon. and learned gentleman, not then in his place (Mr. Serjeant Best), would give the motion he deferred a similar accommodation, by allowing it to stand for Monday, and deferring the motion on the eleventh report to another day.

Mr. Lee brought in a bill for watering cities and towns in Ireland. Read a first time, and ordered to be read a second time.

LORD MELVILLE.

Lord Henry Petty rose pursuant to notice, to move for certain

tain accounts of the public income in Scotland, and of certain grants out of that income. The reason of his making these motions was, that as there was an acknowledged necessity of inquiring as much as possible into every abuse in every department of the government, these papers seemed to him well worthy of the attention of the house, as connected with that object. He stated, that it had been the practice in Scotland, originating at the union, to draw money, by anticipation, out of the hands of the receiver general of Scotland, by the authority of warrants from the barons of the exchequer in that country, signed by some of the lords of the treasury here. This mode of drawing the money, which had been originally designed as a security against abuse, seemed, however, to have been lately made the means of it. From 1783 to 1790, on an average, 186,000*l.* a year had been drawn in this way; from 1790 to 1797, it had increased to 223,000*l.* according to the report of the committee of finance. That committee had suggested the propriety of limiting this issue, as there was no certainty that the revenue from which it was taken could be counted upon for any certain product, while it was liable to be so drawn upon without any regular account. The practice, however, had been suffered to continue, and the mischief of it might be conceived from one instance; the grant of 1500*l.* a year to Lord Melville annexed to his office of lord privy seal of Scotland. This grant he considered as a violation of the appropriation act, of the act respecting the revenue of Scotland also, and of Mr. Burke's act restricting the crown from granting pensions above 1200*l.* without the consent of parliament, for this grant was 1500*l.* If this grant had been directly made as an addition to the salary of the first lord of the admiralty, it would not have been for life. If it was intended as a grant for life, the proper mode would have been an application to parliament, stating Lord Melville's merits as the grounds on which the claim was made. The noble lord concluded with moving that there be laid before the house an account of all the monies paid under warrants of the barons of the exchequer in Scotland, directed to the receivers of the customs and excise in that country, stating the persons to whom such grants were made, and the purposes for which, from 1797 down to the latest period they were made. This account was ordered with some others of the same nature. The noble lord then moved for an account of another grant to Lord Melville, of the arrears of the stewardship of Fife. This was necessary, as there was a report that the grant had been

been made in a surreptitious manner, and not on grounds satisfactory to the lords of the treasury when it came afterwards to be considered.

Mr. Bond was not aware that a motion of this nature was to be submitted till he was called upon for explanation. It was true that his name was signed to the warrant for this grant. But that warrant being considered to convey the approbation and recommendation of the barons of the exchequer of Scotland, to whom the application had been made in the first instance, appeared to him a sufficient justification for his sanction. For the satisfaction of the public he would state, however, that he had no knowledge that the arrears granted would amount to any thing more than some very small matter, and that there was no conception whatsoever that they would amount to upwards of 2000*l*.—This account was also ordered.

LIBEL ON THE HOUSE.

Sir H. Mildmay presented a petition from Peter Stuart, proprietor of the paper called *The Oracle*, then in custody of the serjeant at arms, by order of the house, for a breach of privilege in a paragraph in that paper. The petition was as follows:—

To the honourable the house of commons in parliament assembled.—The petition of Peter Stuart, printer and publisher of a morning newspaper intituled “*The Daily Advertiser, Oracle, and True Briton,*”

“Most humbly sheweth,

“That for the publication of that part of his paper of Thursday last, deemed highly offensive to this honourable house, he feels the deepest regret; and that although certain expressions in that paragraph be indiscreet and unguarded, and such as have incurred the displeasure of so important a branch of the British constitution, yet that your petitioner humbly hopes, on this acknowledgment of his sincere sorrow, that this honourable house, in the plenitude of its condescension and liberality, will be pleased to pardon him for a transgression solely attributable to the hasty composition of a newspaper, and not to any deliberate design of offending this honourable house.

“That your petitioner is emboldened to solicit your indulgence and forgiveness on his well founded assurance, that during the several years in which he has conducted a newspaper, it has uniformly been his principle and pride zealously to support the character and dignity of the house of commons; and that

that it has frequently fallen to his lot to have vindicated both from the charges of societies expressly instituted to bring them into public disrepute and contempt.

"In any observations which your petitioner may have published on the conduct of Lord Melville, he could not but bear in mind, that, the views of those societies, abetting domestic treason, and assisted by the co-operation of the revolutionary power of France, would, he verily believes, have effected the destruction of the British constitution, had not the wise and efficient measures brought forward by that administration, in which Lord Melville held so conspicuous a situation, been adopted; and this honourable house would not, in that case, perhaps, have been now in existence, either to censure Lord Melville, or to pardon your petitioner.

"That if any thing could increase your petitioner's regret, it would be its being supposed that the objectionable paragraph was directed also against the right honourable the Speaker of the house of commons; that your petitioner has no hesitation to declare, that no idea was ever more remote from his mind; and that your petitioner would be the very last person to insinuate any thing disrespectful of a character whom he, in conjunction with the whole nation, highly esteems as a private gentleman, and most profoundly venerates as the head and public organ of this honourable house.

"That your petitioner most humbly hopes this honourable house will consent to his release; and your petitioner will ever pray, &c.

May 2, 1805.

P. STUART."

The petition being read, the hon. baronet moved, that the said Peter Stuart be brought to the bar and discharged.

Mr. Windham called the attention of the house to the insolence of this petition, and asked whether any thing like it had ever been known. The condescension of the petitioner in bearing testimony to the private character of the Speaker and the office he held was indeed extraordinary. However far the house could go in tolerating the insolence offered to it, and to every thing else sacred in the state, he was decidedly of opinion that the insolence of this petition was beyond all toleration. He left it to the house, whether ever any thing in the form of apology came up to this, which not only justified what the house had thought reprehensible, but even made accusations upon the house. He also pointed out the extraordinary claim of merit in opposing certain societies out of doors, which, it was modestly said, would, if not opposed by this person,

person, and those to whom he referred, have prevented the house from ever sitting. He left it to the house what opinion it should form of this extraordinary petition. He should not offer any new motion, but he put it to the hon. baronet whether the original one ought to be persevered in. The petition was, by general desire, read a second time.

Sir H. Mildmay saw nothing improper in the petition, nor could he understand why the hon. gentleman should cry out so much against it. If it was the allusion to Lord Melville, and the credit given to him and those who acted with him, for those measures which enabled the house to preserve its place, he had no hesitation for himself to avow the same sentiments. He could not help believing that the hon. gentleman misunderstood the language of the petition. He did not see the smallest impropriety in the petition, and he therefore continued his motion.

Mr. Fox observed, that the petition stated that the existence of the house was owing to the measures recommended by Lord Melville and his colleagues. This was as much as to say, the petition accused the house of being insensible to the great service thus done to it, and of having gone too far in passing the vote of censure it had passed. If the petition had stopped at the first page, he would have been ready to accede to the prayer of it. The general system of newspapers was seen in the defence made here. This person claimed merit for being a great panegyrist of certain acts, and of those who had brought forward these acts; that excuse could not, however, be received, unless this sort of doctrine were recognised, that provided a writer had for years supported administration and the house, so far as it had supported that administration, he had conferred a great favour on the house, and given himself a title to speak disrespectfully of it under other circumstances.

The *Chancellor of the Exchequer* conceived the support the petition stated to have been given to administration and the house in very critical times, to be mentioned only with intention of excusing a single offence by reference to a general habit contrary to that offence. It was true the petition was couched in a loftier style than necessary; but he believed it was common to all connected with the press to assume to themselves an extraordinary degree of importance. But whatever may be the amount of the opinion of the service this person had rendered, the allusion to the critical times when the constitution was in danger, and when the administration

of which Lord Melville formed a part, together with the hon. gentleman opposite, was active in bringing forward measures for its preservation, was supported by the authority of that hon. gentleman to the full amount, that if that stand had not been made, there would not have been now a house of commons. It was not, however, limited to the authority of an individual, however eminent, but was further supported by a large majority of that house. This person felt gratitude to Lord Melville, for preserving to him his share in the constitution. Those who were of a different opinion may not like the language or the sentiment; it was not, however, one man's opinion, but the same as the house had sanctioned by its votes and its acts. With respect to the principles of certain societies, the language of the petition was equally born out. With respect to you, sir, (addressing himself to the speaker,) you certainly did not want this person's respect; yet that was not unnecessarily included in his petition, as your name had been introduced as an aggravation of the offence. With respect to your character as a private individual, or your conduct in the situation you fill, no person thinks more highly of you than I do; yet I cannot think a majority formed by your vote, more than a majority by the vote of another member in another situation. The only objections made to the petition were the respect expressed for Lord Melville, the opinion the petitioner entertained of his own services, and the respect expressed for the speaker. He was surprised these, however over-rated or misplaced, should raise such a flame, as that gentlemen should think it necessary to oppose the petition.

Mr. Windham objected that the sorrow and regret occupied but a small space in proportion to the other parts of the petition. The petition was not couched in the terms fit for a recantation of proceedings that had called forth the severity of the house. He would not dispute the title of Lord Melville to this person's gratitude, nor the title of the speaker to his respect, nor the justice of the statement of his own merits. But these were out of place in the petition, *non erat his locus*. The whole character and complexion of the petition were indecent. He would therefore think it right to move an amendment.

Sir W. Burroughs, to order, represented the impropriety of making a second speech by way of explanation.

Mr. Grey was not naturally disposed to be severe, but the language of this petition rendered it impossible for him not to accord with the sentiments of his hon. friend (*Mr. Windham*);

ham); first of all there was gross offence in the libel, the sort of apology made at the bar did not do away that offence, the petition aggravated it. He asked whether there was not, in the whole tenor of the petition, something accusatory and defying? He disapproved of the language of his hon. friend (Mr. Sheridan), who, in his zeal for the liberty of the press, described this paragraph as mere milk and water. "A more gross libel he had never seen." It was not merely a transgression of the bounds of decency in the warmth of discussion, but a direct attack on the character of the house in its judicial capacity, saying they were intemperate judges, and when an appeal was offered they gave it a presumptuous negative. He knew not what amendment his hon. friend intended to propose. Instead of being discharged, he was of opinion that the offender should be sent to Newgate; but he would content himself in the first instance with giving a negative to the motion.

Mr. Canning thought that those who had brought this matter before the house, having on a former night declared themselves ready to acquiesce in a discharge without any punishment, could not now consistently call for extraordinary severity, merely because the petition was not worded as they would have wished. He claimed credit for his right hon. friend (the chancellor of the exchequer), who, at the time when those who brought the matter to a vote would have been contented to satisfy the censure of the house with a simple dismissal, represented the necessity of a stronger proceeding. It appeared that the petitioner, in justifying himself, had unhappily fallen on topics that excited great indignation against him. The use he had made of the speaker's name was however excusable, considering the use that had been made of that name to aggravate his original offence. He defied the hon. gentleman to shew any one disrespectful expression in the petition, or any one the omission of which might not have been made matter of censure against him. There may be a redundancy of words, but that was a fault common to the petitioner with the writers of other daily and weekly papers. A new era was now to be found with respect to these writers. If the daily press was to be checked, it must be checked without partiality, and the weekly publications must be restrained at the same time. If a general clamour was to be raised against the liberty of the press, let it be recollected with whom it began. He did not conceive it wrong that looking back to the bold and meritorious struggle

Lord Melville, and those connected with him, had made in times highly critical, this person should feel gratitude for being preserved in his humble station, and he may think himself entitled, vainly and presumptuously perhaps, to some merit for his own assistance in this great service. The facts were on record which constituted the grounds for the credit he gave Lord Melville, and though Lord Melville had fallen a victim, there was nothing wrong in doing justice to the remainder of his character after the vote of censure. He was sorry this discourse was introduced; justice, with whatever force it was administered, should be administered impartially. Enough would be done in this instance if no censure at all had been passed.

Mr. Sheridan was unwilling, in the slightest degree, to run counter to the extreme latitude he had always professed to allow to the press. He condemned the unseemly threat of those in power to clip the liberty of the press, which they may attempt on any slight pretence. His hon. friends were justified in departing from their original lenity when that lenity was abused. He had said this libel, published by this person, was comparatively mild, and he was sorry it had been noticed, because, when the pruning knife was once brought into use, he feared it would be most used by those who would cut off a branch under pretence of lopping exuberancies. He could not forget the excessive duties which rendered almost inaccessible the reading of which popular curiosity is naturally most anxious; the acts did not allow a hand-bill to be printed without the printer's name, and a person convicted a second time of a libel, may be transported to Botany Bay. The petitioner had shewn him the petition, and he had drawn his pen across all this exceptionable matter, which some other adviser had persuaded him to adopt. The man had modesty enough, under these circumstances, not to ask him to present the petition, but he had the good fortune to fall on the worthy baronet. He could not allow that the merit of any laws belonged to ministers, or their associates, but to parliament alone; he took credit to opposition for detecting the fabricated charges of plots and conspiracies in 1794, and declared, that if a person brought to the bar at the instance of administration, should seek some support for himself by calling on opposition, and claiming their support on the ground of having maintained the same principles, he would reject that man equally as the present. He was sorry
this

this aggravation had been given. He would vote for the amendment.

Mr. Dent, in giving credit to the house for the laws it had enacted, wished it to be remembered who had proposed these laws and who had opposed them.

The *Attorney General* could not help considering as very extraordinary, the conduct of those who represented the original publication as a mere milk and water thing, and at the same time as a serious libel, who from the manner in which they acted, now they were in a majority, shewed they valued neither majority nor minority, but such as they were in. The only objection to the petition was, that it referred to certain topics, and in a way that was not necessary. The reference to former conduct was as evidence that there was no intentional offence. If for matter that might have been better passed over, the petitioner was to be consigned to punishment not due to the original offence, the house must see the hardship of the proceeding.

Mr. Whitbread could not admit the title of the writers of newspapers to sit in judgment on the house. He denied that Lord Melville was entitled to the merit of the acts alluded to, if any merit they had, and he desired the house to recollect that the noble lord was guilty of sixteen years malversation in office. He supposed the paragraph and the petition may have been written by one of the minority, and he condemned the revival of hostility long passed, at the time when it was owing to no feeling of that kind that his hon. friend (*Mr. Fox*) and other gentlemen on his side of the house were not sitting on that bench alongside the chancellor of the exchequer, who had recommended them for confidential offices. He wished the petition to be withdrawn to present another, consisting only of the first page.

A conversation arose on the point of form, whether the petition could be withdrawn; but Sir H. Mildmay declared he did not see a single improper word in it, nor had any thing come out in the discussion to induce him to change his opinion.

Mr. Ryder saw in the petition, in the first instance, as decided and distinct an apology as it was possible for words to convey, and a reference to the merits of former conduct in excuse. He had no desire to revive animosities, but he could not help feeling indebted to the noble lord for the conduct he had held in very trying times, whatever censure he may labour under now.

Sir

Sir John Newport objected to *Mr. Canning* that he had represented *Lord Melville* as the victim of the anger of the house.

Mr. Canning said, he had used the word victim but once, coupled with the word displeasure, and foreseeing it might be objected to, he had corrected it by adding "though justly."

Lord De Blaquiére was particularly hostile to the improprieties in the petition, after the warning that had been given by the hon. gentleman opposite.

Lord Marsham agreed in the credit due to the administration that preserved the parliament from revolutionary attacks; but he did not think it right in a person coming to the bar to intreat the mercy of the house, to bring forward matters which produced diversity of opinion, and was likely to give rise to warm debate. The haste of newspaper composition was known; but in this instance the vote had taken place before the late recess, and the offensive comment after.

A conversation arose as to the best mode of getting rid of the motion to make room for a new proceeding, in which *Mr. Whitbread*, the Speaker, *Mr. Grey*, *Mr. Fox*, and the Chancellor of the Exchequer took a part, without coming to any decision.

Mr. Wilberforce was a friend to the freedom of the press, in all public affairs; but, though he did not at first think of following up the business any farther than the vote of that night, the tone and style of the petition had induced him to alter his opinion. Was it respectful to the house to declare his adherence to one part, and, consequently, his opposition to the other? Was it seemly that any petitioner should introduce any subject which was likely to create discussion at the time that he was supplicating them for forgiveness? Would it be right in any man, who was brought before a bench of justice, for the purpose of expressing contrition with the hope of being discharged; would it be right in such a person to introduce a subject that would be likely to create dissension among them? He thought the apology should have been to the whole house, without making any distinction as to its parts.

The *Solicitor General* entirely concurred with the hon. gentleman and the noble lord who had just spoken, that it was highly unbecoming in any person, in the circumstances of the petitioner, to endeavour to shelter himself under the authority of any party, when it was his duty to apologize for a breach of privilege committed against the dignity of the house;

house; but he could not agree that there was any such attempt on the part of the petitioner. On examining the petition itself, notwithstanding all that had been said, he did not apprehend it was capable of such construction. The petitioner had expressed in positive terms his sorrow as well as regret for having incurred their displeasure. All who had spoken, indeed, on the question, had admitted that the former part of the petition, so far as an apology was necessary, was perfectly unexceptionable, and that had it not been for the paragraph that followed, they would willingly have agreed to the motion. He was surprised to hear a noble lord farther maintain, that the petitioner had now wilfully transgressed against the dignity of the house, and from the spirit of his petition seemed to persevere in that transgression. He had perused the petition, and could discover no such spirit. He admitted that it was not the business of the petitioner, who was praying for mercy, to call up any other subject, but contended that he found in the petition no attack on any part of the house, nor saw any reflection thrown on any of its acts. The conduct of the petitioner was not at all disrespectful, though he might have said more perhaps than was prudent or necessary. He had stated his former conduct and behaviour relative to that house, and represented himself as supporting on all occasions its honour and dignity. To attach any importance to his exertions of this kind might be regarded as foolish, but could never be considered as an aggravation of his offence. In what respected Lord Melville the petitioner had advanced nothing that could be construed into an approbation of what the house had condemned; and nothing, therefore, which he could consider as reprehensible. On the whole, he was of opinion that the sentiments expressed by the petitioner, though not necessary to the petition, were rather calculated to operate in his favour than as any aggravation of his offence. He therefore supported the original motion.

Sir H. Mildmay, in answer to an hon. gentleman opposite (Mr. Sheridan) who had said that the objectionable paragraphs had been persisted in, notwithstanding his remonstrances to the contrary, stated that the paragraphs were not the same as they had originally been, but had undergone a considerable alteration since that hon. gentleman had seen them.

Mr. Sheridan admitted that the paragraphs in question might have undergone some verbal alteration, but did not suppose

suppose the hon. baronet meant to say that they were not the same in substance.

Mr. Atkins Wright thought from the beginning that this matter was unworthy the attention of the house, at a time when matters of the greatest importance demanded all its care.

Mr. Sturges Bourne was averse to prosecutions in matters of this kind, and he thought the house should as seldom as possible place itself in the situation of being judge in its own cause. An hon. gentleman opposite (*Mr. Sheridan*) had stated as a ground for not referring to the law, that a jury had acquitted the publication of *Mr. Reeves* of the charge of breach of privilege, cast upon it by the report of a committee. He, on the contrary, thought it a strong reason for the house to be diffident of its own judgment, and unwilling to refer every thing to it. The hon. gentleman intended to vote against bringing the petitioner to the bar, with a view to make him present another petition. He was surprised to hear such doctrine from the other side of the house. He knew no restraint on the right of petitioning the house, provided it was done in proper terms, and there was nothing in the terms of this petition in the smallest degree disrespectful. There was no one passage of it that reflected on the house, or any part of it. It certainly did reflect on certain societies, formed with a view to the destruction of the constitution; but unless gentlemen chose to identify themselves with those societies, they could not consider this a reflection upon them, or call for the resentment and vengeance of the house in consequence.

Mr. Sheridan, in explanation, observed, that as the hon. gentleman had said that there were some parts of his conduct on a former occasion which he should ever remember, it would be just in him to be accurate in his recollection of them. The fact was, that in the present instance he was altogether wrong, for he had not moved for a prosecution in the instance alluded to. That motion had been made by the member for Bridport, who was not at present a member of the house. And when the subject was first brought forward for an inquiry after the author of the libel, in a committee of the whole house, it had been supported in a most eloquent speech by the hon. gentleman opposite (*Mr. Wilberforce*), whose concurrence with him on the present question was matter of sincere satisfaction. He had himself been chosen chairman of that committee, wherein it had been found that

Mr.

Mr. Reeves was the author, which he reported to the house, whereupon a prosecution was ordered by the attorney general. But so far had he been from originating a motion to that effect, that he had voted against it.

Sir Wm. Milner thought the paragraph which had been brought under the consideration of the house, contained a highly indecent and improper comment on the vote that had been the result of deliberation in that house. He contended that it was necessary, for the credit and the dignity of parliament, that some notice should be taken of such audacity.

The question was put, and a division took place,

For bringing Peter Stuart to the bar	-	142
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Against it	-	121
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Majority,	—21
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Mr. Stuart was then brought to the bar, and reprimanded by the speaker in the following terms:

“ Peter Stuart,

“ You having confessed that you were the printer and publisher of a paper which has been complained of to the house as containing libellous reflections upon its character and conduct;—this house resolved that you were thereby guilty of a high breach of its privileges, and ordered you to be taken into custody.

“ By your petition you have this day expressed your sorrow for your offence, and acknowledged the justice of your punishment; and thereupon this house, in its lenity, has ordered that you be now brought to the bar to be reprimanded and discharged.

“ I have now, therefore, to reprimand and admonish you, as a warning to others, that this house doth and will resent it as a high offence in any man who shall presume to slander its character and conduct, and endeavour to degrade it in the public estimation.

“ You being now reprimanded, it is my duty further to acquaint you, that you are discharged;—paying your fees.”

Mr. Stuart then withdrew.

The speaker's reprimand was, on the motion of Mr. Whitbread, entered on the journals, *nemine contradicente*.

MOTION FOR THANKING THE COMMISSIONERS OF NAVAL INQUIRY.

Mr. Sheridan rose to make his promised motion for thanking the commissioners of naval inquiry. Such was the feeling which manifested itself within the walls of the house, and so strongly was the state of the public mind in every part of the

country expressed on the claims which the commissioners possessed on the national gratitude, that when he gave notice of his motion, he thought it would have been almost unnecessary for him to occupy any part of the attention of the house. He was not, however, at liberty to bring forward his motion without any preface at all, after what the right hon. gentleman opposite (Mr. Pitt) had said, on more occasions than one, of parts of the conduct of the commissioners, of which he could not approve. The right hon. gentleman having made this declaration, he was bound to state specifically to what it was that he objected. Notice was given of the right hon. gentleman's intention to renew the commission. Surely, if the commissioners were to be re-appointed, they ought to have distinctly pointed out to them what appeared erroneous or unbecoming in their proceedings, that such errors might, in future, be avoided. Knowing, then, that some objections did exist, it was necessary for him to request the attention of the house for a few moments previous to his submitting his motion. It was almost needless for him to state what were the circumstances under which the commissioners had been appointed. If they had done their duty well, they had done so under peculiar circumstances, and in opposition to formidable difficulties. They were not called on to investigate the small peccadillos of clerks and underlings in office; they were required to investigate the abuses of the heads of great departments, to look men in high situations in the face, and, acting with firmness and intrepidity, to expose abuses wherever they fell under the range of their inquiries. Very different indeed was the task of the commissioners which had been appointed under the auspices of the right hon. gentleman, to which, on a former day, he had felt it his duty to call the attention of the house. The right hon. gentleman had recommended to him to read the terms of that commission, to be convinced of his erroneous view of its nature and extent. He had attended to that recommendation; he had fully considered the terms under which the commissioners were to act, and his opinion remained unchanged. A full power was indeed given to the commissioners to make the fullest investigation, and no fifth clause existed to shelter any one from answering whatever questions were put to him, even if the answers should have a tendency to criminate himself. There was, however, an important distinction to be attended to, and that was, while the principals in the different offices were to remain unmolested, the whole weight of inquiry or censure was to fall on the subordinate

ordinate officers. Indeed the right hon. gentleman's act was one of the most liberal, polite, and well bred acts of parliament that ever was framed. It took it for granted that it was impossible for a principal in an office to be guilty even of the least irregularity; but he might be the willing and active auxiliary of the commissioners, by compelling all those under him to give them whatever information they required. Thus came the right hon. gentleman's commissioners to the execution of the duties committed to their care, and he had surely no occasion to remind the house under what circumstances the commissioners of naval inquiry entered on their duties. When their appointment was first proposed, it was contended, even by some hon. gentlemen on his side of the house, that the appointment was unnecessary; and it was artfully insinuated through the country, that it was not a board of commissioners, but a body of inquisitors, that was about to be established. It was well known, that Lord St. Vincent was the person who proposed the establishment of the commission, and no sooner were they appointed than the character of his lordship was on all hands assailed; various motions were threatened, and one hon. baronet had brought forward a positive charge, though, unfortunately, not one member of the house could be found to second it. Such was the situation of the commissioners almost immediately posterior to their appointment. The house would also bear in mind that the right hon. gentleman opposite (Mr. Pitt) brought forward a motion positively accusing Lord St. Vincent of improper and negligent conduct in the administration of the affairs of the navy. And here it would be easily seen that the commissioners were placed under very disadvantageous circumstances, considering that the character of him under whose auspices they were to act, was thus directly attacked, on the score of incapacity. To this attack a total change of administration succeeded; and here again the commissioners had to contend with new difficulties—they were to carry on their inquiries when all those on whose support and encouragement much reliance was to be placed, were removed from office. Indeed, from the language of the right hon. gentleman on his return to office they had little hope of encouragement. He had then declared that, from all he had seen, he had heard, or known, every one of his reasons for attacking the administration of the noble lord had been confirmed, and the commissioners were to act under the impression that the conduct of the noble lord who had established them was peremptorily condemned. With all

these difficulties, with all these undeniable disadvantages, they had, however, proceeded with intrepidity, and the public saw what was the result. The grand obstacle in the way of their inquiries was derived from the most extraordinary use to which the fifth clause of the bill under which they acted had been applied. It was quite clear that the commissioners never expected that this clause should be applied to the purposes which their own reports explained, or that even in the office of the treasurer of the navy, which was as it were the flag-ship to all the other offices, they should begin to experience the most serious difficulties in the execution of their duty. What then appeared on the face of their reports? On the 10th of July they send a precept to the treasurer of the navy, requiring the production of certain documents essential to the proper prosecution of their inquiries, and receiving no answer, they repeat the precept on the 17th of the same month. The 2d of October arrives, and previous to that period his right hon. friend had given the commissioners no sort of information. Was it then to be endured that commissioners acting under the authority of the three branches of the legislature should thus be trifled with? Was any gentleman, however high his influence or extensive his power, to set their authority on a subject of such vast importance at utter defiance? Yet all these difficulties had been overcome by the indefatigable zeal, diligence and fortitude of the commissioners. The house would keep in view that, with respect to the distribution of the public money, three great duties were to be performed. In the first instance, the house had to grant supplies adequate to the exigencies of the public services, founded on proper estimates laid regularly before them by the express command of his majesty. The ways and means to provide this supply were next to be considered; and it was the object of the house to lay the burthens on the people at large in a manner which would operate with as little severity as possible. The third duty of the house was one, however, still more important, and one without which the other two would be in a great measure nugatory and inefficient, and this was the mode in which the votes of the house were to be applied. The two first of these duties could only be exercised by the house itself; but it was frequently the custom of the house to delegate the other to commissioners; and certainly if such commissioners were appointed, it became a matter of the highest interest to see that they were implicitly obeyed. If the house delegated to certain individuals the
most

most important of its powers, it was proper that these individuals should be sensible that they were to meet with ample encouragement and support. Without confidence, their labours for the discovery or the correction of abuses could never produce any satisfactory result. At this moment, there was a notice of the renewal of the commissioners of naval inquiry, and it was therefore proper that it should be fully understood in what light their conduct was regarded by those who had such means of giving their conduct and inquiries full efficiency. It was not sufficient to say that their conduct was, on the whole, worthy of approbation; or, that there was more to praise than to blame in their exertions for the discovery and correction of abuses. The commissioners were professedly selected out of the talents, the respectability, and the worth of the country, and it ought, therefore, to be fairly understood, whether their conduct was not admitted to be such as to entitle them to unequivocal approbation and confidence. If this was not allowed by those who were to bring forward the proposition for the renewal of the commission, then he himself must insist, that though the commission was renewed, other commissioners ought to be appointed. It was ridiculous to say, that if they were unfit, other gentlemen fully qualified for the task could not be procured. The right hon. gentleman was bound to state his opinion fairly to the house, for he himself was resolved that the re-appointment of the commissioners should take place under no compromise. Having said this, he wished briefly to direct the attention of the house to what the commissioners had done, to what remained for them to do, and then it would be seen whether they ought to be re-appointed. The attention of the house had been so much attracted to the tenth report, that the other reports of the commissioners had been passed over with comparatively small notice. In the other reports, it was true that nothing of so high game was disclosed, but many gross frauds had been brought to light, many important improvements had been recommended. In all of them the ability, the diligence, the unconquerable fortitude of the commissioners had been eminently conspicuous. It would not be necessary for him to go into any detail, but it was proper just to give a sketch of what each of the reports contained. In the first report it was ascertained that in the offices in Jamaica connected with the navy, the public, through the negligence and fraud of one of the officers, sustained a loss of about thirty-six thousand pounds in bills, and upwards of one hundred and thirty-five thousand

thousand pounds from lavish waste, and other causes arising from the manner in which business was conducted. The second report referred to the mismanagement of the chest at Chatham, and displayed a scene of the most infamous speculation. The rewards allotted to our brave seamen for their meritorious exertions in defence of all that is dear to freemen, had been found to have been most shamefully misapplied. In many cases the harpies of agents had appropriated nearly thirty four per cent. of what was intended to assuage the sufferings of those who had bled in the cause of their country. The necessity of entering an appearance once in three years, even from Ireland and the most distant parts of the island, only to ascertain whether veterans and invalids had grown younger, was properly exposed by the commissioners, and a suitable remedy had been provided. The third report was on the infamous over-charges in the dock yards. The house and the public would form a pretty good idea on the subject, when they were given to understand that, in one article, there was a charge of one thousand and forty pounds, when before the commissioners it was found that thirty-four pounds was the fair price. These evils had been sifted to the bottom, and the gross frauds of those who were fatteners on the public would now happily be prevented. In the fifth report the evils of the sixpenny office, so essential to the proper provision made for invalids in the navy, were fully exposed; and the sixth very clearly shewed that vast sums were charged for work done in the dock yards, not one-third of which was ever performed. The commissioners stated a sum of nearly eight hundred thousand pounds, one third of which could not be accounted for in a satisfactory manner. In the seventh report a case was stated of the repairs of the *Amaranthe*, in Woolwich dock yard, where the expence had been carried as high as three thousand eight hundred and fifty-three pounds, whereas on examination it appeared that somewhat more than five hundred pounds was the real amount. The ninth report related to the receipt of stores in Plymouth dock, and though the matter was not sufficiently elucidated, enough was stated to shew that gross frauds had existed. On the tenth it was needless for him to enlarge, as it had sufficiently attracted the attention of the house and the public. The eleventh report he should not now insert, as it was to be the subject of a specific motion by an hon. and learned friend of his on no very distant day. He begged leave, however, in the mean time, to call the attention of the house to this report, as one of very high

high importance, as one which disclosed transactions equally contrary to law and to fair constitutional principles, as were indeed calculated to give a vital stab to the credit and character of the country. Having thus gone through the different reports, all of which evinced the most commendable diligence and zeal, the hon. gentleman next specified what yet remained for examination. There still remained the proceedings of the navy board, the victualling, the transport, and the sick and hurt boards. Of the necessity of investigating this last board, no doubt could exist, after what an hon. admiral (Markham) had said, that of all the boards hitherto unexplored, this was the most grossly corrupt. The dock yards abroad, too, opened up a wide field for inquiry; he believed, in many cases, it would be found that charges of nineteen shillings a ton were made, when four shillings and twopence covered the whole expence. The ordnance department, also, would come in for its share of investigation; in many cases gross frauds were committed, and there was one case where fifty thousand stand of arms were purchased after surveyors, properly appointed, had declared them unfit for service. These were the heads of the subjects which still remained for investigation, and if the commissioners were to be renewed, he again contended that they must be renewed under full and implicit confidence. He thought them entitled to this confidence, in the fullest sense of the word, and he had drawn up his motion in terms, not indeed to provoke hostility, but to induce the minister to state whether he retracted the objections he had thought proper, on more occasions than one, to throw out against the commissioners. He concluded by moving a vote of thanks to the commissioners for the zeal, fortitude, and diligence with which they had executed the important trust committed to their care, and expressing the entire approbation which the whole of their proceedings created.

The motion being put from the chair—

The *Chancellor of the Exchequer* rose, not to object to the motion, but to offer a few general observations on what had fallen from the hon. member in the course of his speech. If the sense of the house was, that the commissioners should be thanked now for their past services, he should not oppose the proposition; but he could not help thinking that there existed no precedents for such a mode of proceeding. The precedent of the vote of thanks given to the commissioners of accounts did not apply, because these commissioners had not only given in a number of reports, but the reports had been fully

fully canvassed by a committee of the house. That committee had reported on the statements which the reports contained, and it was on this that the vote of thanks was grounded. In this case, however, only one report had been minutely considered, and therefore he put it to the house, whether the vote of thanks would not be much fuller and much more comprehensive, if it were given after the reports were fully considered and digested. This he put to the consideration of members, though, as he had already declared, he should not press for any division of the house on the subject. As to the call which the hon. member had made on him for a clear statement of his objections to certain parts of the conduct of the commissioners, he felt it necessary to make a few observations. He fully admitted that commissioners appointed to examine into great public abuses, ought to exhibit a proper degree of firmness as well as zeal; but there was a mode of exhibiting that, which was at all times to be attended to. The truth was to be got by all possible means, but the character of individuals should be as little as possible precluded from a fair opportunity of full discussion or subsequent vindication. In several cases a prejudice was created against individuals before the report was fully before the legislature, and therefore, he thought that any surmises to the prejudice of individuals, which had transpired before the reports were completed, were not to be justified. He objected also, that the reports were drawn up and presented without allowing individuals accused to justify their conduct, or indeed fully to understand in what light the report would place their character. The commissioners had a right to use every means to come at the truth; but then it was surely not inconsistent with the most rigid inquiry to call on individuals to explain their own evidence. It appeared that these commissioners had refused the opportunity of explanation to several persons whose names were mentioned, whose characters were affected by their reports; and it was equally apparent, that had such opportunity been afforded, the characters of such men would not have suffered. This was particularly the case with the comptroller of the navy, who stood charged in one of the reports on the table with having, contrary to his duty, applied money voted for the navy to other services, without the knowledge of the first lord of the admiralty. Upon this head, it was now obvious to every man, indeed a recent conversation in that house had made it so, that if the request of Sir A. Hamond to the commissioners, to be allowed to explain, had been granted, the

the impression would never have gone abroad respecting this officer, which the premature report of the commissioners had created. It was not a little remarkable with reference to that point, that although Lord St. Vincent was applied to by the commissioners for explanation respecting the stone expedition, which it was now quite clear was fully known to that noble lord, no opportunity of explanation would be granted to Sir Andrew Hamond, notwithstanding his special request. There was another part of the conduct of those commissioners of rather doubtful propriety, if indeed it could be at all said to come within any notion of propriety. It was that which, in the eighth report, alluded to the conduct of a grand jury. A person was charged with stealing casks at Plymouth, and a bill of indictment was preferred against him. This bill was thrown out by the grand jury, and the solicitor who was employed to conduct the prosecution, wrote to the victualling office to say that the grand jury was tampered with. Upon the authority of this letter those commissioners thought proper to publish such a statement in the eighth report. Was it right to throw out such an insinuation as this to the public, and particularly upon such grounds? Was it discreet—was it fair—to charge a respectable body of men with perjury? for the charge amounted to nothing less. Those commissioners were also accused of having improperly alleged that the high price of stores, which was complained of in the West Indies, was owing to the neglect of the navy board to send out stores for the service of our fleets in that quarter in due time, according to their duty. Now it appeared that the navy board had not omitted to attend to their duty in this case: for they had sent out two ships in proper time laden with stores, which ships were lost, and to that loss was imputable the high price of stores which was complained of. This fact was, he understood, communicated to the commissioners, and if so it certainly ought to have been stated. If the fact was so, the house would judge whether any charge attached to the navy board, and whether the commissioners acted fairly in attempting to impute it. When they reported the fact respecting the price of stores in the West Indies, and undertook to ascribe that evil to the navy board, they ought certainly, in fairness, to have annexed to that report any communications they had received from that board in vindication of its conduct, particularly such a material communication as that he had alluded to. The commissioners might say that they had not received this communication at all. He could only state to the house

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what he had been informed. It had also been told to him that one of the commissioners of the navy, Mr. Gambier, was examined before the naval commissioners, and some of his answers were inaccurately taken down by those commissioners. These inaccuracies were printed and corrected, and yet in the appendix to the report the inaccuracies remain without the corrections. The same complaint was made with respect to the testimony of a principal clerk to the navy board. This clerk made a memorandum of all his answers; several of them were found to be incorrectly noted by those commissioners; such incorrectness, upon being pointed out by the clerk, was admitted and corrected. Still the omission appears in the appendix. Now those corrections which are omitted are all stated to be material to form a fair judgment of the conduct of the navy board, and, if so, their omission cannot induce a conclusion favourable to the character of the commissioners to whom the motion before the house referred. Indeed, if the facts were well founded, which he laid before the house precisely in the manner they were mentioned to him; if these commissioners suppressed any documents with which they were furnished, and which were at all necessary to enable parliament and the country to decide upon the characters of men whom their reports affected, he would leave it to the house to judge of the propriety of adopting a vote of unqualified thanks to such commission. With such information before them, however, he hoped the house would feel satisfied that the exceptions he had thought it his duty to make to those commissioners did not rest on light grounds—that there was nothing in it so warm, intemperate and unjust as some gentlemen seemed to imagine. At all events, it could scarcely be denied, that previous to a vote of indiscriminate approbation, each of the points he had stated should be distinctly and minutely inquired into, and each of the reports before the house fully examined. Still, notwithstanding this impression upon his mind, he would leave it to the feelings of the house to take whatever course it might think proper, but he would not himself press any particular motion.

Mr. Fox animadverted on the several charges which had been advanced by the right hon. gentleman who had spoke against the commissioners of naval inquiry. As to the first, which regarded what the right hon. gentleman professed to consider the premature publication of any of the subjects referred to in the several reports from this commission, he could not deem it any fair ground of accusation against the commissioners;

commissioners; for it did not appear that they had designedly given publicity to the rumours referred to. Besides, indeed, whether such things were kept secret or not in the way desired by the right hon. gentleman, appeared to him to be scarcely worth notice. As to the case of the comptroller of the navy board, and his alleged misappropriation of the money entrusted to his care, the right hon. gentleman seemed to think that if opportunity for explanation had been afforded that comptroller, as well as to Lord St. Vincent, much confusion would have been avoided, as appeared in a part of the noble lord's evidence in the eleventh report. Now, for his part, he saw no such confusion. Even without the explanation recently offered to the house on this point, he really thought that nothing could be clearer from the context of the evidence, and from a fair consideration of Lord St. Vincent's answers to the two questions which were lately the subject of discussion, than that the noble lord was ignorant of the money matters which formed the *gravamen* of the charge against the comptroller of the navy. But the right hon. gentleman asked why was not this comptroller examined by the commissioners touching this charge, as well as the Earl of St. Vincent? He would tell that right hon. gentleman that the comptroller of the navy was examined, and that he defended himself from questions under the 5th clause. After having done so, he would put it to the right hon. gentleman, whether, if he himself were one of those commissioners, he would propose to examine again him or any man who had so acted? With respect to the statements of the right hon. gentleman, as to the conduct of this commission in the first report, he must observe, that if those statements were well founded, the navy board seemed to have been very passive under the serious imputations cast upon them. They professed to feel themselves very unjustly accused. The report containing this accusation had lain on the table for nearly two years, since June 1803, and during that period the commissioners of the navy acquiesced in suffering the impression against them to circulate. No jealousy as to their character was heard of until within these few days. No inquiry to vindicate their fame was proposed or hinted at. Surely they could have brought forward a motion had they felt so severely as is now pretended. That there might be some part of the conduct of those commissioners fairly to be found fault with was very possible. But yet if they were culpable only in a small degree, that was no reason

to be alleged against the motion. If, however, it appeared that they dealt unfairly by the characters of men, that was a serious charge; and although it might be proper to continue the commission, most certainly the names should be changed; for it doubtless would be absurd to continue those in power whose conduct had been heretofore exceptionable. The exceptions that were made to the commissioners furnished, if well founded, a reason for excluding them from office; and, if not, they could not be urged against the motion before the house. But the right hon. gentleman had confessed with perfect candour that he could not vouch for any of the statements he had made to the house; and surely then he could not ask the house to rely on them as objections to the motion. That those commissioners were ready to go to a trial against any or all of the charges that could be alleged against them he had not the least doubt. The charges, such as they were, which the right hon. gentleman had stated, could not in any man's mind be deemed applicable in any shape against the motion, in opposition to which, indeed, nothing had been offered. The right hon. gentleman had not said, nor could he, that this motion was unnecessary. It was necessary to satisfy the general opinion of the country. It was called for by public policy. The merit of the men and the gratitude of the people demanded it. In considering the services of those commissioners, the state in which they and Lord St. Vincent were placed was to be taken into account. Much as that noble lord had deserved and obtained by the glorious battles he had fought abroad, he had scarcely in any of them a more difficult task to perform, than in originating this commission, which had to maintain itself in almost every stage of its progress against the operation of power, influence, and authority. With a degree of fortitude and perseverance that would be at any time laudable, but which in their peculiar circumstances was extraordinary, they pursued delinquency through all the obstructions of high office, and against all the frowns of power; and they succeeded in detecting and exposing the criminality of one of the principal officers of the crown.

The *Chancellor of the Exchequer* stated, that the navy board had not tamely submitted to the imputations cast upon their characters by the first report, as the hon. gentleman imagined: for, according to a memorial presented to the house on the 5th of April, on this subject, from the comptroller of the navy, it appeared, that immediately after the publication of the

the report alluded to, the hon. baronet intimated his wish to these commissioners that he should be examined afresh, in order to do away, what he conceived, unfounded aspersions on his character, but this the commissioners declined. The hon. baronet then drew up a memorial to that house, which he meant to present; but, deeming it his duty, he waited on Lord St. Vincent, to apprize him of his intention, and to know his lordship's pleasure. Lord St. Vincent disapproved of the intention, and stated, that he should consider any such proceeding as a personal affront to himself. The comptroller thought it his duty to conform to the noble lord's desire, and to that was attributable the kind of acquiescence the hon. gentleman who had just sat down alluded to.

Mr. Fox observed that, even supposing all this statement to be correct, it did not account for the silence of the comptroller of the navy since Lord St. Vincent retired from office. Why not seek the removal of that obloquy, of which he complained, under the lord of the admiralty who succeeded Lord St. Vincent? He could not, however, help saying, that this comptroller, in suffering, from such a motive as the right hon. gentleman had described, so deep a stigma so long to attach to his reputation, betrayed a very criminal complaisance to Earl St. Vincent.

Sir Andrew Hamond confirmed the statement of *Mr. Pitt*, as to the early disposition and solicitude he had shewn to vindicate his character from the imputations thrown upon it by the report alluded to. At the suggestion of a right hon. friend of his (*Mr. Rose*) he meant to have followed the precedent of the 10th of Queen Anne, where an imputation of a similar nature was thrown upon a member of the victualling board, by a report of the committee of that house. It was his intention to move, that the report under consideration should be referred to a committee, and some proceeding taken respecting it, that should afford him an opportunity of vindicating his character. This course he was prevented from following by Lord St. Vincent, who told him upon an interview, that it was for his lordship, and no other person, to recommend when the reports of the naval commission should be taken into the consideration of parliament, as that commission had been originally proposed by him. The hon. baronet remonstrated with his lordship on the obloquy to which his character must be subject in the interim, and appealed strongly to his sense of justice—but in vain, Lord St. Vincent would not consent. His right hon. friend (*Mr. Rose*) also waited on his

his lordship, but was equally unsuccessful. Advised, however, by his right hon. friend and others, and considering his own situation in the navy, he declined entering into hostilities with the noble lord. He waited in confidence of a full acquittal of his reputation, whenever those reports should be brought before parliament. Since Lord St. Vincent's retirement from the admiralty board, he was given to understand that it was intended to establish a commission of revision, and before that commission he hoped to establish the injustice of the charges propagated against him. That there might be some irregularities under a department so wide and extensive as that over which the navy board presided, he was prepared to admit; but he could assure the house, that there was nothing for which the members of that board were more anxious, than a full and fair examination of their conduct, particularly that to which the report of the naval commissioners alluded; all he asked for that board was this, that until such full and fair examination should take place, the house and the country would suspend their judgment upon the charges against them.

Mr. Rose corroborated that part of the speech of the hon. baronet who had just sat down, which referred to him. With respect to the motion before the house, he pointed out some parts of the conduct of the naval commission which did not in his opinion justify the unqualified panegyric which the hon. mover would have the house pronounce upon them. The conduct which he deemed to be particularly exceptionable was to be found in their third report. This report almost altogether consisted of a censure upon a most respectable man, a Mr. Taylor, who was one of his constituents. It appeared that Mr. Taylor was an eminent block manufacturer. He had supplied the navy with blocks at Chatham and Portsmouth, since the year 1762. Those commissioners thought proper to pronounce his charges excessive. In consequence, a public advertisement was sent forth for contracts to supply those yards: and, would the house believe it, that Mr. Taylor, under this advertisement, obtained the Chatham contract, at 10 per cent. more than his former charge, of which the commissioners of naval inquiry complained; and Mr. Dunstanville obtained the contract for Plymouth, at 5 per cent. above Mr. Taylor's price? Such then were the frauds detected, and the retrenchments produced by those commissioners. But what must still more surprise the house, those commissioners were aware of those facts before they made their report,

port, for they took place two months before that report was laid on the table of the house. Yet no part of the censure of Mr. Taylor was abated. Every part of this statement, the right hon. gentleman said he was ready to prove at the bar, if required. There was another circumstance with respect to this much abused man, which he begged to mention. His blocks were stated to be of an inferior quality. He had a rival, a Mr. Garnett. The blocks of both these rivals were compared by a special commission in 1791, and those of Taylor were declared to be decidedly superior. Captain Nicholl, who sailed in the *Formidable*, took Garnett's blocks on one side of his ship, and Taylor's on the other. But after he had returned, and was about to set out on another cruise, he gave order to have his ship furnished with no other blocks than those of Taylor's. As to the fraud respecting 13,000l. worth of wood, which the right hon. mover had alluded to, Taylor had nothing to do with it. Nor had those commissioners any merit in detecting it; for that merit belonged to the navy board, who had found out and were prosecuting this fraud before the naval commission existed. The right hon. gentleman took notice of the charge against his right hon. friend, respecting the patronage of the contractors, and contended that it had been the peculiar object of his right hon. friend's administration, to prevent the system of contracts altogether, and to leave such things to the different boards, contrary to the system of his predecessors, who generally distributed contracts among members of parliament, or their relations. The right hon. gentleman concluded with stating, that although he felt his objections to some parts of the conduct of this commission to be well founded, still he would not oppose the motion, as the sense of the house seemed to be in its favour.

Admiral Markham remarked that the hon. comptroller of the navy had said a great deal respecting the memorial of the navy board, and the justification they would have set up, if not counteracted by Lord St. Vincent. He would ask the hon. gentleman if he would now deny the substance of the report? The real facts, he would declare, were a thousand times worse than the statement; and he wished the gross negligence of the hon. baronet's colleagues had not been what it was. He must complain of the unfair proceeding of gentlemen in arguing upon the authority of papers scarcely laid before the house, and without notice. With respect to the lecture on blocks, delivered by a gentleman opposite to him, he would say a
word

word or two. When a contract is entered into, the party contracting to furnish an article is bound by the stipulated price, whether the article rises or not; and he maintained, that an application to raise the price of blocks, which was the case, annulled the contract. That Taylor was thought to have a good bargain in his contract was plain, because Dunstanville at Plymouth gave him ten per cent. for permission to have the article at the price of his contract. The contracts for blocks still go on, to the great loss of the public money, although the machines at Portsmouth are sufficient to supply the demand of the whole nation. When the war broke out, contracts were made for a short time; but that was for want of *lignum vitæ*; and they were not then intended to be continued.

Mr. Rose said, in explanation, that Dunstanville got ten per cent. above the price given to *Mr. Taylor*.

Sir A. S. Hamond observed that, when the report came to be fully considered, it would be fully answered. The machine made blocks of an inferior size, of ten inches; but as to the making of large blocks, it had made no progress.

Mr. Jeffery contended, that whatever might be the portion of praise to which the naval commissioners might be supposed to be entitled, he was still bold enough to say, that the affairs of the navy were never worse conducted than under the administration of *Lord St. Vincent*; not only the navy, but the whole of the commercial part of the community were loud in their complaints against it. (*A general cry of hear! hear! — chair! chair!*)

The *Speaker* observed, that the line of argument of the hon. gentleman did not apply to the question then before the house.

Mr. Wilberforce was ready to admit the great benefits that had already accrued from the labours of the naval commissioners; but at the same time he must request, that, in mercy to those who had not fully informed themselves of the contents of all the reports, the words "the whole of" the conduct of the commissioners might be omitted in the motion. There were now eleven of the reports, many of them extending to very considerable length, before the house, and scarcely any but the tenth had yet undergone a due investigation. Indeed the omission of these words would give more meaning to the vote of the house, and also render it more worthy the acceptance of those whom it was intended to commend, than if it stood in the manner in which it was originally proposed. The commissioners undoubtedly detected very great abuses,

abuses, and had thereby rendered very signal service to the country; and on that ground he felt them entitled to the thanks of the house and the gratitude of the country. He hoped, however, that nothing he then offered to the consideration of the house would produce any division of opinion; for he threw out the consideration merely to guide the conduct of the house, not in the least to detract from the merits of the commissioners. Much of their proceedings yet remained to be examined and discussed; and it might perhaps hereafter occur that something would be considered in a light that must induce the house to express an opinion contrary to what the present motion called upon them expressly to declare. This was the only motive that prompted him to suggest the omission of the words. He was ready to repeat that in his mind the motion so amended would have not only a more distinct meaning, but must prove more acceptable to the commissioners themselves. Under that impression he should move that the words "the whole of" be struck out of the motion.

The question so amended being put from the chair,

Lord Henniker approved of the amendment, and contended that the original motion required the house to go further than it was entitled to go.

Mr. Wilberforce, in further explanation of his amendment, observed, that if any error should hereafter be detected in the conduct of the commissioners, the house would be in a manner bound so far to retract the measure of their vote.

The *Attorney General* rather approved of the amendment than of the original motion, though it did not exactly correspond with his idea of the matter. There were eleven reports before the house, and only one of them had as yet been examined. There were even several papers now before the house quite fresh from the press, which could not yet have been examined, but which, however, were represented as urgently calling for examination. The vote, therefore, in his mind, should be general, as fresh materials might hereafter be produced in defence of those whose characters were affected by the reports of the commissioners. As the amendment seemed to him to improve the motion in the sense in which he thought it should be received, it should have his concurrence.

Mr. Fox said, that if the words "the whole of" their conduct had been omitted originally in the motion, the omission of them would not be material; but when it was moved to

omit them, the whole nature of the motion was changed, and appeared to him quite objectionable. The house could not understand by the motion that they were to approve of every thing that might be contained in all the reports. None of them had as yet been under consideration but the tenth; even parts of that report were not yet decided on, since some of them had only just been referred to a select committee. The words of the motion sufficiently explained the extent to which the thanks of the house were to be carried, since it said, that as far as appears from the reports, the commissioners were entitled to the thanks and encouragement of the house, for the diligence, ability, and fortitude, with which they had executed the arduous task committed to their care. If such minutiae as those suggested by the amendment, and by the reasonings urged in support of it, had been habitually attended to, the house would never have been able to pass a vote of thanks upon any conduct, however meritorious. In his opinion, if the commissioners were not thanked in the terms of the original motion, it would be better not to thank them at all.

Mr. Langham was sorry the amendment had been moved; but if an amendment was to be moved, he should have preferred the previous question.

Sir W. Elford confessed, that it was with regret he should give a negative to the motion; but as he condemned some things in the conduct of the commissioners, while he commended most of it, he could not conscientiously consent to a vote of unqualified approbation.

Lord Henniker was for moving that the house do now adjourn, as in his mind it was premature to come to any vote at present respecting the conduct of the commissioners. After some hesitation he moved, that the house do now adjourn. But his motion was not seconded.

Mr. Bond would not scruple to give the most unqualified praise to the conduct of the commissioners. He had approved of their appointment from theory; he now more highly approved of their conduct, since its practical benefits had been evinced. The vote proposed did not in the least preclude the house from a vote of censure, if any thing should appear in their conduct which could justly incur such a stigma. But such trifles as the words *tampering with a jury*, should not be seriously attended to; it was the general conduct of the commissioners, and the spirit that informed that conduct, that should be considered; and when that spirit and conduct were fairly

fairly appreciated, they would be found eminently entitled to the most unqualified praise which the house could bestow.

Sir John Wrottesley was glad to hear the sentiments expressed by the learned gentleman, and he most cordially concurred in them.

Mr. Greger was rather inclined to vote for the amendment.

Mr. Bastard contended, that the commissioners not only were entitled to the thanks of the house, but also to the best support which the house could afford their further proceedings. Nothing to him was more offensive than the insinuations thrown out against the commissioners. He could not sit silent and hear them; for after the very essential service they had already rendered the country, and the still further benefit with which their future exertions were likely to be attended, it must make every well-wisher to his country shudder to hear the imputations which some gentlemen attempted to cast upon their conduct.

Mr. Fuller supported the original motion. It should not be made a party question. The inquiry was instituted for public ends, and had already produced great public good, and he trusted it would not stop till the evil was probed to the bottom. He cared not who was minister; he was only anxious that the public should know how the public money was expended, and that care was taken to punish those who were guilty of peculation and plunder. The commissioners had done their duty to that effect, and they were fully entitled to the thanks of the house and the gratitude of the country.

Mr. Sheridan expressed his regret, after what had fallen from the hon. gentleman who had moved the proposed amendment, that he had inserted in his motion the word *whole*. He was quite satisfied that the vote of thanks would be equally satisfactory without that word. He must, however, plead the motive by which he had been actuated, as his excuse for the overcautious way, if such it ought to be esteemed, in which he had worded his motion. The commissioners had met with every species of difficulty and discouragement in the course of their investigation; they had been openly and hostilely arraigned in that house. One gentleman had even gone the length of saying, that the hon. baronet, who was the chairman of the commission, was unfit to continue in that situation. Another had charged them with dealing in libels; and the chancellor of the exchequer himself had asserted, that their conduct had in many instances been improper, and that they had acted in an unbecom-

coming manner. His motive, therefore, in wording his motion as he had done, was, before the commission was renewed, to know if any solid objection lay against their conduct, and, if not, to have the charge retracted. He approved of the way in which the hon. gentleman (Mr. Wilberforce) had proposed his amendment; but he could not say as much of that of the noble lord. Had any scrutiny been wished to be gone into, on the conduct of the commissioners, before they received the thanks of the house, that ought to have been openly moved, not by a motion of adjournment. The hon. member, of whose conduct, in the amendment he had proposed, he (Mr. Sheridan) approved, had, however, misunderstood his motion. The word *whole*, as used by him, did not apply to all the reports, for his motion was completely guarded in that respect, by the words "as far as appears." He did not call on the house, or on the hon. gentleman, by the terms of his motion, to say they had read all the reports; he only called on them to bear testimony, that, so far as they had read them, the commissioners had acted with "*diligence, ability, and fortitude*"—that last was a word he could not spare. He did not desire the house to speak their sentiments as to all the reports, but to declare that the *whole* of the *conduct* of the commissioners, in the discharge of their arduous duties, so far as the house had been enabled to judge, was deserving of their thanks. He confessed that the right hon. gentleman (Mr. Pitt) had behaved with candour in the business. He had called on that right hon. gentleman, if he disapproved of any part of the conduct of the commissioners, to shew his reasons for entertaining such an opinion. He had stated what his reasons were, and it appeared they had all been formerly stated, and had also, as far as it had been thought proper to urge them, been formerly refuted. The comptroller of the navy board had thought proper to be offended, so far as his board was concerned; but if his objections were well founded, why had he not come forward during the twenty-two months the report against that board had been on the table? Was it not a fact, that he (Mr. Sheridan) had proposed that all those reports should be remitted to a committee of the whole house, which had been objected to? That hon. baronet, however, had stated, that he expected redress from another proceeding. What was this proceeding from which he expected this redress? A commission appointed solely on the narrative that "Whereas it was strongly recommended in different reports of the commissioners of naval inquiry;"—a commission not of revision of the
acts

acts of the commissioners of naval inquiry, but appointed solely and professedly for the purpose of carrying the suggestions of the commissioners of naval inquiry into effect. And did the hon. baronet say that he went and advised his majesty to appoint a committee of this nature, if in his mind the acts of that committee, whose acts it was to carry into effect, were so objectionable? Or did he now come forward, after a silence of twenty-two months, to tell the House that this was the committee of *revision*, as he would now represent it, to which he had trusted for clearing his character? He could not forbear expressing equal surprise that the other right hon. gentleman too, who could have had no commission to trust to, had been so long quiet in the cause of his constituent and friend Taylor, the exquisite nature of whose feelings on the subject he had also, according to his own account, such daily opportunities of witnessing. He could not also forbear noticing a reflection thrown out by another hon. gentleman against the conduct of Lord St. Vincent, the more particularly as every challenge to meet an investigation on that subject was carefully avoided; and he was also certain, the gentleman who had that night irregularly attempted to introduce it, would not dare to bring it regularly before the house. To that noble earl he was happy to think the public must be conscious they now owed even additional obligations, and wherever corruption was hunted down, and delinquency punished, to his lordship must the merit be attributed. The hon. member declared it to be his wish to meet the wishes of the hon. gentleman (Mr. Wilberforce). He could not consent, however, that it should appear that any amendment had been made, or that any division had taken place. He was, therefore, willing himself to bring forward his motion without the word **WHOLE**.

Mr. Wilberforce accordingly withdrew his amendment; Mr. Sheridan also withdrew his original motion, and brought it again forward so as to suit the suggestions of Mr. Wilberforce.

The following motion of thanks was then agreed to without a division, and ordered to be transmitted by Mr. Speaker to the said commissioners:

“ Resolved, That it appears that the commissioners appointed by an act of the 43d year of his majesty's reign, to inquire and examine into any irregularities, frauds or abuses which are or have been practised by persons employed in the several naval departments therein mentioned, have, as far as
appears

appears from the reports which they have hitherto made, exerted themselves with great diligence, ability, and fortitude, and that their conduct in the execution of the arduous duties entrusted to them, entitles them to the warmest approbation and encouragement of this house."

It was afterwards settled that Mr. Whitbread's motion should stand for Monday, and that of Mr. Serjeant Best on the eleventh report for Monday se'nnight.

Mr. Kinnaird fixed his motion respecting Sir Home Popham for Wednesday.—Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 3.

LORD MELVILLE.

Mr. Leycester, the chairman of the committee of the house of commons, to whom the tenth report of the commissioners of naval inquiry is referred, accompanied by several members of the committee, brought a message from the house of commons, requesting that Lord Melville be allowed to attend on that committee, if he so incline.

The messengers having withdrawn, Lord Hawkesbury moved that they be again called in, and informed, that the lords would send an answer by messengers of their own. This was accordingly agreed to, and the resolution of the house being intimated to the messengers from the commons, they retired.

Lord Hawkesbury said that there was a standing order of the house, No. 50, passed in the year 1673, by which a member of that house was prohibited from attending on any committee of the house of commons on any charge or accusation in which he might be called on to answer questions which might criminate himself. Knowing of this standing order, and being likewise aware that such a message as the present might be sent, he had searched the journals, for the purpose of discovering if any precedents to that effect were to be found. He had accordingly found a case, previous, indeed, to the date of the standing order, but which nevertheless went a farther length even than any posterior case could reach, as it went to shew the jealousy of the house, previous to the enactment of the standing order. This was the case of a message on the 28th March, 1626, requiring the attendance of the Duke of Buckingham,

Buckingham, and which was taken into consideration on the 28th April following. It appearing, however, that it was some accusation against himself which he was called on to answer, the house prohibited him from attending. In the year 1673, in the case of Lord Darlington, his attendance was refused on account of a charge being to be urged against him. His case was converted into the standing order now alluded to. If there was nothing on the face of the message which shewed that Lord Melville was not accused of some particular offence, there might be no necessity for enforcing the order. Of this, however, their lordships might judge from the papers on their table. He might have applied money intrusted to his care to other services, in a manner highly praise-worthy, and yet he might be open, in such circumstances, to criminate himself. The noble lord, therefore, moved, that it be referred to a committee of privileges to search into precedents, and to report the result to the house.

Earl Darnley could give no opinion on the obstacle started by the noble lord, as he professed himself utterly ignorant of the existence of such a standing order. He must regret, however, that the knowledge of such an order should have been imparted to the house by his majesty's government, and that it should have stepped forward to throw obstacles in the way of public justice.

Lord Hawkesbury said, that knowing of the standing order, he thought it his duty to notice it to the house.

The *Duke of Norfolk* could not think that any peer ought to be prevented from attending on such a committee, if he inclined. He knew that he himself, and the Marquis of Stafford, had attended on committees of the house of commons.

Lord Hawkesbury having asked (across the table), if these committees were sitting to investigate charges against either the noble duke or marquis? the Duke of Norfolk answered, Certainly not.

The *Lord Chancellor* approved of the motion of Lord Hawkesbury. The standing order had been introduced from a jealousy of the privileges of the house, and it was necessary that no standing order of the house should be knowingly and unnecessarily dispensed with. The period of the enactment of the standing order was not the first time that this jealousy of the privileges of the house existed. It was also to be seen so early as the year 1533, in the case of the then Bishop of London. After making some formal amendments on the motion, his lordship expressed his approbation of it.

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The Duke of Montrose thought that Earl Darnley had been rather hasty in his charge against the government.

Earl Darnley and Lord Hawkesbury again repeated the substance of what they had formerly alleged on this point, when the committee of privileges was fixed for Monday at twelve o'clock.

Lord Walsingham presented a petition from the lord mayor and city of London against the Irish Roman Catholic petition.

Lord Darnley fixed his motion on naval affairs for the 13th current.

The committee on the subject of Judge Fox was postponed from Monday to Thursday next.

HOUSE OF COMMONS.

FRIDAY, MAY 3.

Mr. Byng presented the petition voted at the meeting of the freeholders of Middlesex, at Hackney, on the subject of the tenth report, and of the abuses in the public expenditure. Ordered to lie on the table.

The sheriffs of the city of London presented at the bar the petition of the lord mayor, aldermen, and common council of the city of London, in council assembled, against the prayer of the Catholic petition, now on the table of the house. Ordered to lie on the table till the day for taking said petition into consideration.

Mr. Vansittart presented certain papers relating to depositions taken in the gaol of Kilmainham, Dublin. Ordered to lie on the table.

Mr. Leycester informed the house from the bar, that, pursuant to their order, he had waited on the lords with their request to their lordships, that they would permit Lord Viscount Melville to attend the committee appointed to consider further of the matter of the tenth report referred to them, in order to his being examined, and that their lordships had signified their intention to send their answer by a messenger of their own.

Mr. Jeffery gave notice, that he should, on Monday, make a motion relative to the number of vessels that had been fitted out and stored in his majesty's yards during the administration of Lord St. Vincent.

Mr. Tierney submitted whether the hon. gentleman ought not

not in candour to state the nature of the papers for which he intended to move, and whether if he intended to make them the ground of charge upon the noble earl, it would not be fairer at once to move for an inquiry into his conduct, than to bring forward a charge upon an *ex parte* statement.

Mr. Jeffery stated his object to be, to procure a document whereby the comparative state of the navy then and at present might be ascertained, and whether the former administration of the admiralty was entitled to the approbation of the house.

The Chancellor of the Exchequer brought up the bill for continuing, for a time to be limited, the act for appointing the commissioners of naval inquiry. Read a first time, to be read a second time on Monday.

Also the bill for appointing commissioners to inquire into the different departments of the public expenditure therein mentioned, and to report thereon to the house. Read a first time, to be read a second time on Monday.

Mr. Fox presented the petition of the high bailiff and electors of the city of Westminster, voted at the meeting in Palace-yard, on the subject of the tenth report, praying parliament to follow up their resolutions of the 8th and 10th of April, by such measures as would secure the punishment of delinquents, and the correction of existing abuses in the public expenditure.

Mr. Fox, in rising to move that the petition do lie on the table, stated, that he had never presented a petition from his constituents on a public question, with so few signatures; but the petition had been agreed to so unanimously by all classes of persons whom he represented, that it was deemed unnecessary to affix many signatures to it. The petition was ordered to lie on the table.

CATHOLIC PETITION.

Mr. Fox observed, that as the day which he had fixed for submitting a motion to the house on the subject of the petition of the Catholic body of Ireland was so near, he deemed it proper to take this opportunity of stating the reasons on which he proposed to defer that motion from the 10th to Monday the 13th inst. One reason was, that many gentlemen interested in the discussion were now in Ireland, and could not attend on Friday. This was a sufficient reason, but it was not the principal one; another reason was, the importance of the business which was to occupy the attention of the house next week. His hon. friend (Mr. Whitbread) had a

motion of considerable importance, which, together with the other motions noticed on several interesting subjects, would, perhaps, fatigue gentlemen so much, as to render it inconvenient to have his motion brought forward on Friday. He thought this was a fit time to state, for the information of gentlemen, the substance, if not the precise words, of the motion which he should submit to the house on the subject. His motion would be, that the house should resolve into a committee of the whole house, to consider all the matter contained in the petition, and whether it would be expedient that all, or any of the prayers it contained should be complied with, or whether a middle course should be adopted for granting some, and deferring the decision upon the rest of their claims; or whether or not some collateral means of meeting the wishes of the petitioners might not be eligible.

Dr. Daigenan declared himself hostile to the prayer of the petition, and should therefore oppose the motion of the hon. gentleman.

The papers relative to the attainder of Cornelius Grogan, esq. in the parliament of Ireland, were, on the motion of Mr. Martin, ordered to be presented forthwith.

Mr. Huskisson presented an account of the sums due of the executors of the hon. Keith Stewart to the public. Ordered to be printed.

The Secretary at War brought up the accounts of the expences of the volunteer staff. Ordered to lie on the table.

COMMITTEE OF SUPPLY.

The Chancellor of the Exchequer moved the order of the day for going into a committee of supply, and on his motion, also, the extraordinaries of the army, the expences of the volunteers in Great Britain and Ireland, and the deficiency of the consolidated fund, were referred to the said committee.

The house having resolved into a committee, Mr. Alexander in the chair, the following sums were voted:—

To make good the excess of the extraordinary services of the army over the estimates voted last year	-	-	£.	s.	d.
			660,850	15	3
Extraordinary services of the country for the present year	-	-	3,000,000	0	0
To complete the sum of five millions granted to his majesty as the growing surplus of the consolidated fund	-		3,049,488	0	0
To defray the expences of the volunteers in Great Britain and Ireland	-		1,600,000	0	0

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The house having been resumed, the report was ordered to be received on Monday.

The Irish loan bill passed through a committee, to be reported on Monday.

Mr. Foster moved the order of the day for going into a committee on the Irish bank token counterfeiting prevention bill. On the question that the speaker do leave the chair, a conversation took place, in which Mr. Magens and Mr. Prinsep objected to the measure that the excessive issue of notes had produced the unfavourable state of exchange for Ireland, and that these tokens being the same as notes, would have the same effect; and that they would affect the standard of the coin of the country and thereby affect property.—It was, on the other hand, urged, by Mr. Rose, Sir John Newport, Mr. Lee, and Mr. Foster, that being issued at a nominal nearly equal to their real value, they could not affect the standard of the coin, and that being issued only to relieve the distresses felt by the people of Ireland, particularly the lower classes, for want of the circulating medium of small silver coin, they would afford an immediate benefit, and could not be attended with any loss to any individual when called in to make room for an issue of standard coin, whenever such a measure could be carried into effect. After a few words from Mr. G. Johnstone and Mr. Vansittart, the house resolved into the committee, the blanks were filled up, and the house being resumed, the report was ordered to be received on Monday.

The house went into a committee on the Irish promissory note bill, and the report was ordered to be received on Tuesday.

The house, on the motion of Mr. Huskisson, went into a committee on the act of the 34th of the king, and resolved that it was expedient that so much of the said act as relates to the exemption of slates under the value of twenty shillings per ton, from duties when carried coastways, be repealed. The house being resumed, the report was ordered to be received on Monday.

The other orders of the day were then disposed of.

Adjourned to Monday.

HOUSE OF LORDS,

MONDAY, MAY 6.

The committee of privileges met at 12 o'clock, to consider the standing order passed in 1673, prohibiting peers from attending

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attending committees of the house of commons to answer questions which might criminate themselves. The committee sat till three o'clock searching into precedents, but without coming to any determination. They then postponed their farther sitting till Thursday.

When we were admitted, Lord Grenville was renewing his notice relative to the Irish Roman catholic petition for Friday, for which day the house was to be summoned.

Lord Mulgrave reminded the house of his having previous to the recess moved that their lordships be summoned for the 9th of May, on a motion for rescinding one of the standing orders, by which it was in the power of any one peer to send the house into a committee. From every consideration which he had been able since to pay to that order, he was the more firmly confirmed in opinion that it ought to be repealed. He had therefore now alluded to it, lest it should have escaped the recollection of any of their lordships.

Lord Mulgrave then said, that a noble friend of his, not then in the house, wished to have an opportunity of proposing a clause to be introduced into the advowson bill. He hoped it would not be inconvenient to the rev. prelate (Oxford) to postpone farther proceeding till Wednesday.

This delay was at first resisted on the part of the right rev. prelate, but was at length assented to, after a few words from the Lord Chancellor.

The Bishop of Oxford presented a petition from the freeholders of that county against the Irish Roman catholic emancipation petition, which was ordered to lie on the table.

Mr. J. Clerk concluded his reply, in the appeal Andrew Blane, Esq. against the Earl of Cassillis.

The Lord Chancellor, after complimenting the counsel on the very eminent abilities and research displayed in the course of the pleadings in this important case, postponed the decision of it till that day fortnight.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 6.

As soon as the speaker had taken the chair, he informed the house that he had received an answer from the commissioners of naval inquiry, dated the 4th of May.

The letter was read at the table. It acknowledged the receipt of the vote of thanks of the house, expressed their thorough conviction that such a mark of approbation was the
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most honourable testimony that could be given of the conduct of any public men, and declared their firm resolution to continue such a line of conduct as that which had been so fortunate as to be thought worthy of such honourable distinction by the house.

The papers ordered on a former day were presented from the Trinity-house, and ordered to be laid upon the table.

Mr. Scudamore and Mr. Knox took the oaths and their seats.

Mr. Bulley presented certain accounts from the exchequer office, pursuant to order of the house.—Ordered to be laid on the table.

Mr. John Fane presented a petition from several freeholders of the county of Oxford against the Roman catholic petition.—Ordered to be laid on the table.

MIDDLESEX ELECTION.

Mr. Calcraft presented to the house the declaration of Sir Francis Burdett, as amended from that which had been presented on the 25th of April, by the omission of all the parts which were deemed informal. The following are the words of the declaration :—

“ Whereas, on Wednesday, the 13th day of March last, a petition subscribed with the names of George Boulton Mainwaring, Esquire, therein stated to have been, at the last election for the county of Middlesex, a candidate to represent the said county in this present parliament; Sir William Gibbons, baronet; Sir William Curtis, baronet; Henry Thornton, esquire; William Mellish, esquire; and Samuel Pepys Cockerell, esquire, was presented to this house, complaining of my election and return to serve in this present parliament, as a knight of the shire for the county of Middlesex, which petition this house has ordered to be taken into consideration on Tuesday, the 7th May next.

“ And whereas on Wednesday, the 10th day of April last, this house ordered, that the said petitioners should, upon the 20th day of this instant April, by themselves or their agents, deliver to me, or my agents, lists of the persons intended by the said petitioners to be objected to, who voted for me, giving in the said lists the several heads of objection, and distinguishing the same against the names of the voters excepted to. And that I should, by myself or my agents, at the same time, deliver like lists on my part, to the said petitioners or their agents.

“ And

" And whereas it appears upon the face of the sheriff's poll, taken at the said election, that at the said election 2833 persons voted for me, and 2832 for the said George Boulton Mainwaring, amounting in the whole to 5665 persons actually polled, and that 103 persons tendered their votes for me, and 99 for the said George Boulton Mainwaring, making 202 tendered votes: in the whole 5867 votes polled and tendered.

" And whereas, between the said 13th day of March last, when the said petition was presented to this house, and the 20th of this instant April, on which day this house ordered the said lists to be exchanged, there was not sufficient time for me, by myself or by my agents, to examine into the rights of 5867 voters, so as to enable me to make out with sufficient certainty a list of the objectionable voters received on the poll for the said George Boulton Mainwaring, with the several heads of objection, in the manner ordered by this house; and therefore no such list, nor any list, has been made out or delivered by me to the said petitioners or their agents.

" And whereas the said petitioners have delivered to me a list of the persons who voted for me, objected to by them, with the several heads of objection, amounting to 1944 persons. But between the 20th day of this instant April, the day on which, pursuant to the above-mentioned order of this house, they delivered the said list to me, and the seventh day of May next, an interval of only sixteen days, on which day the said petition is ordered to be taken into consideration, there is not sufficient time to examine into and ascertain the rights and titles of 1944 persons therein objected to, so as to enable me to maintain and defend the same.

" Now, by virtue of the provisions and enactments contained in the second section of a certain act of parliament, passed in the 28th year of the reign of his present majesty, chapter 52, intituled—' An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament; ' I do inform this house, by this my declaration in writing subscribed by me and delivered in at the table of this house, that it is not my intention to defend my said election or return. Witness my hand this 1st day of May, 1805.

FRANCIS BURDETT."

The clause of the Grenville act, to which the above refers, was read at the table, and the Speaker explained to the house what

what was the regular order of proceeding according to the terms of the act, and added, that a notification of this step should be published in the Gazette of Tuesday evening.

After a few observations from the Secretary at War and Mr. Henry Thornton, as to the wording of the first part of the declaration, which they conceived to be unnecessary; it was ordered that the petition be taken into consideration on Friday the 7th of June.

MOTION FOR ERASING THE NAME OF LORD MELVILLE FROM THE LIST OF PRIVY COUNSELLORS.

Mr. Whitbread then rose to call the attention of the house to the further consideration of his majesty's answer to the resolutions relative to the conduct of Lord Melville, as treasurer of the navy. He declared, that in every stage of this business he had felt the utmost anxiety, and on no occasion more than he did at the present moment. This anxiety did not arise from any doubt which he entertained of the propriety of the motion with which he meant to conclude, but as to what would be the ultimate decision of the house. The business was now come to a direct point, and there were two paths open for the house to pursue. The one was a path which led to immortal honour and renown, while the other would only serve to degrade that great work in which they had embarked, and defeat those high expectations which the public entertained. He had no doubt, that if he had brought forward the motion with which he should now have the honour to conclude, on the morning of the 9th of April, there would not have been a single dissentient voice on the subject. If he had then moved that Lord Melville should be erased from the list of privy counsellors, and banished the presence of the sovereign for ever, he was convinced that such a motion would have encountered no opposition.

The *Chancellor of the Exchequer* spoke to order. He conceived that the business before the house this day, was the further consideration of his majesty's answer. He had a communication to make on that subject, which, he believed, would satisfy both the hon. gentleman and the house, and he submitted to his candour, whether this communication ought not to take precedence of any discussion.

Mr. Whitbread resuming, observed, that whatever was the communication to which the right hon. gentleman alluded, it would come more properly before the house, after the motion which he should bring forward was submitted to their consideration.

consideration. Previous to the interruption he had been observing, that if he had brought forward such a motion on the morning of the ninth of April, that motion must of necessity have been adopted. He would even go further than this, and contend, that if Lord Melville had been a commoner, and a motion had been made for the expulsion of Henry Dundas, the motion would have been adopted. With respect to the manner in which this business had been conducted on his part, it was necessary for him to make a few remarks. He put it then to the house, whether in every part of his conduct he had not been actuated with a desire, not of collecting a few stray votes, as a right hon. gentleman on the other side (Mr. Canning) had invidiously insinuated, but of submitting such a fair explicit case to the house, as would secure the support of the independent, honourable sense of parliament? After the resolution of censure was passed, he had thought it expedient to move that Lord Melville be dismissed from the councils and presence of the sovereign for ever. On that occasion it appeared to be the sense of the house that the resolutions should be carried to the foot of the throne, on the idea that this, though a gentler mode of proceeding, would produce the desired result. That anticipation had not been fulfilled, though, bowing to the opinion of the house, he had withdrawn his motion. Lord Melville had indeed resigned his high office of first lord of the admiralty, but Lord Melville's name still remained to pollute the list of the most hon. privy council of the sovereign. It was proper too for the house to keep in mind that the right hon. gentleman (Mr. Pitt) had then declared, that he saw no reason for recommending to his majesty the step of erasing the name of Lord Melville from the list of his privy counsellors. This, after what was disclosed so clearly in the tenth report, and after the solemn vote of the house, was a most indecent and dangerous declaration, little short indeed of absolutely setting at defiance a vote of one fundamental part of the legislature. It was a declaration of a nature which called on the house to assert their own rights and to vindicate their own dignity.—If a great public delinquent, such as Lord Melville, were suffered to go unpunished, then was there an end to justice, to example, to every thing calculated to check the progress of corruption. He called then on the house, in duty to their sense of the importance of the representative system, in justice to the vote which had afforded so much satisfaction in the country; in the name of all

all the proceedings which were now in a state of progress, not for a moment to hesitate in following up a great public delinquent by a punishment corresponding to the enormity of his guilt. If the house had even been in a situation when there was a sort of convention betwixt the king and parliament, when no great measure was to be brought forward without, as it were, securing the approbation of the court, still such a case of notorious delinquency could not be passed over with impunity. Constituted as the house now was, could it for a moment be endured that because Lord Melville was high in office, and extensive in influence, he was on that account to be sheltered from punishment? The idea was not to be entertained for a single moment. He begged leave to press on the consideration of gentlemen in what situation the house would be placed if, after their solemn vote on the 8th of April, Lord Melville, a convicted delinquent, were not to be made an example to future offenders? What would be thought if it was recorded in history, as recorded it must be, that Lord Melville, on the best of all proof, his own confession, had been convicted of misapplying the public money; that the house of commons had made a declaration of his guilt in this misapplication; that means were taken for the recovery of what sums were derived from this misapplication, and that on a sudden all further proceedings were suspended? After the previous steps which the house had taken, would not the reader of that history anticipate some resolution, giving to all the others their proper degree of effect; and if no such resolution existed, what could he think but that the house of commons had stopt short in the honourable work which they had commenced? Was it then not stopping short of the punishment which Lord Melville deserved, while he was suffered to remain a member of his majesty's most honourable privy council? Here, however, a whole month had elapsed, and no step was taken to remove the noble lord from that honourable station. This reluctance to advise the sovereign to take a step so necessary to the honour of his government, could not proceed from any idea that the noble lord had been unfairly or partially condemned, or that his judges were persons of a suspicious character. The commissioners of naval inquiry were gentlemen of the best talents, and the most tried integrity in the empire, and they had declared Lord Melville guilty of a gross violation of the law and a high breach of duty. Respectable however as their authority was, it was not that alone which guided the determination

tion of the house. The noble lord himself admitted his criminality, and the house decided against *confitentem reum*. With such a decision and such a confession before them, the house could not hesitate about the necessity of some proceeding to give dignity and effect to their previous determination. He, for one, would never say, that the house were to be deterred from the constitutional exercise of their functions by any popular clamour; but here no clamour of that sort was to be observed; on the contrary, there was a strong, ardent, and universal feeling of indignation, against the malversations of Lord Melville, in every part of the kingdom. The only feeling manifested, was a declaration of the necessity of bringing great public delinquents to an exemplary punishment, to deter future offenders. This was the more necessary from the conduct which ministers had thought proper to follow. If they possessed any share of purity or probity, it was employed to cloak the convicted guilt of a high delinquent. There was not the least reason to believe that they had any intention of recommending to his majesty to erase the name of Lord Melville from the list of his privy counsellors. The answer which his majesty had been advised to give to the sheriffs of London, representing a very numerous and respectable body of his subjects, was a tolerably good proof of that position. The answer was altogether equivocal; for, while it expressed his majesty's anxiety to have public abuses corrected, it was totally silent as to any punishment of the individual, in whose person and conduct the most scandalous abuses had been detected. He trusted, then, that the house would see the necessity of vindicating their own dignity and honour. The eyes of the public were fixed on the decision of the house on this most interesting question. By the decision of that night it would be seen, whether national justice was to triumph over malversation; whether great public delinquents were to be screened from punishment; or, whether the firm, equal arm of the law, was to be extended to all ranks of the community. It was contended, but contrary to all fact, that the humiliation and disgrace which the noble lord had already suffered, was a sufficient atonement for his criminality. He was represented to be broken in spirit, and that it would be contrary to all the feelings of humanity to push the matter to extremities. He was no advocate for barbarous punishment, but the enormity of the guilt was not to be kept out of view. The noble lord, doubtless, had strong feelings on the occasion, but persons in the
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the humbler walks of life had similar feelings, and still their feelings were never considered in the light of punishment. There was a punishment which no human hand could inflict. Such punishments were, in point of feeling, dreadful—*he flamma, ha facies*. Justice, however, required, that something beyond this should be employed for the punishment of great public delinquencies. It was necessary that a grand example should be made, and, on this plain principle, he should move the further consideration of his majesty's answer, with the view of following it up with a motion to address his majesty, that he will be graciously pleased to erase the name of Lord Viscount Melville from the list of his most hon. privy council, and to dismiss him from his presence and councils for ever.

The *Chancellor of the Exchequer*—Before the motion is put from the chair, I think it necessary for me to make a very few observations, which appear to me of such a nature as will supersede the necessity of agitating the question at greater length, on the present occasion. When I interrupted the hon. gentleman, it was for the purpose of saying, that I had a communication to make to the house, which would make his motion unnecessary—that communication is, sir, that the object which the hon. gentleman has in view is already accomplished. I have felt it my duty to advise the erasure of Lord Melville's name from the list of privy counsellors, his majesty has acceded to this advice, and the business will be finished on the first day that a council is held for general purposes. Having said this, I shall, with the permission of the house, say a few words on the circumstances under which I formerly resisted this proposition, and those under which I have felt myself bound to yield to it. The hon. gentleman has thought proper to allude to the discussion which took place on the day previous to the recess; and he says, that on that occasion I declared that nothing then appeared to me which called for my advising his majesty to erase the name of Lord Melville from the list of privy counsellors. I believe, sir, it is in the recollection of the house, that a motion similar to that now brought forward, was produced by the hon. gentleman on the day to which he has alluded. On that occasion I did state that the motion appeared to me altogether unnecessary, since Lord Melville had resigned his official situation, and all prospect or hope of his return to office was extinct, as long as the resolution of the 8th of April remained in full force.—Unless the house varied their decision that

determination was an insuperable bar to the noble lord's return to power. At that time it did not appear to me to be the sense of the house that such a motion should be persisted in, or that it was at all necessary after the resolution of censure on a former evening. Many gentlemen who concurred in this resolution thought that the wound which had been inflicted should not be aggravated by any unnecessary circumstances of severity; that when the justice of the public was satisfied, the feelings of the individual ought not to be outraged. Even several gentlemen on the other side of the house did not seem to wish that the motion should be pushed to a division. The motion was accordingly withdrawn, and in room of it the house agreed to lay the resolutions before the throne, and to await the ultimate decision of his majesty. By following this course, it was imagined that the same result would be obtained without wounding the feelings of the noble lord, who was already sufficiently afflicted by the general decision of the house. This step then being taken, it did not strike me that it was at all expected that it was my duty especially to advise his majesty to erase the name of Lord Melville from the list of his privy counsellors. If I had conceived this to be the general wish of the house, I should, unquestionably, have bowed to it, but not viewing the matter in this light, I did not conceive that I was bound to give the advice which the motion of the hon. gentleman is calculated to enforce. Since that time, however, in consequence of the notice of the hon. gentleman to renew his motion, I have felt it my duty to ascertain what is the prevailing feeling of gentlemen on the subject. I have had occasion to ascertain the sentiments of respectable gentlemen on both sides of the house, and seeing reason to believe that the step to which the motion of the hon. gentleman is directed was considered expedient, I have, however reluctantly from private feeling, felt it incumbent on me to propose the erasure of the noble lord's name from the list of privy counsellors. I confess, sir, and I am not ashamed to confess it, that I did not advise this step without a bitter pang, but a sense of public duty gave way to private friendship and esteem. I will not erase from my bosom feelings of private affection, but I cannot suffer these feelings to interfere with what I find to be the declared sense of a majority of this house. I own the step was by me reluctantly taken, but it was not for me to dispute the wisdom, or to thwart the wishes of parliament. After what I have said, I trust the hon. gentleman will see the propriety of withdrawing his motion.

Every

Every public object is now obtained which the motion could accomplish, and I am sure the honourable gentleman has candour and humanity enough not to press discussions, the only effect of which must be to wound the already severely afflicted feelings of an unfortunate individual.

Mr. Fox would have felt it more satisfactory, and he believed it would be more satisfactory to the country, had the event which the right hon. gentleman had just announced, taken place in a manner more congenial to the object of public justice. It did not appear on the part of his majesty's ministers as the voluntary act of men who wished to punish guilt. No, indeed, they hardly would admit that the conduct of Lord Melville deserved that character. On the contrary they not long since insisted that the delinquent was guilty only of a breach of the intention of the act of parliament. Now, however, the right hon. gentleman alleged the change in his tone to proceed from respect to the sense of that house. But was not that sense sufficiently known some weeks ago, and yet Lord Melville's name was suffered to remain among the list of privy counsellors? Where did the right hon. gentleman ascertain the sense of the house? If he had collected it from their public proceedings, it had been long notorious. But perhaps the right hon. gentleman had been canvassing among individuals, and was not likely to succeed in pressing an opposition to the motion before the house. It had, indeed, been said that the decision which led to the result the house had just heard, was the effect of something that had occurred among ministers about a week since, that it proceeded from ministerial intrigue, that it was a compromise. For his own part he could not say that he believed this rumour, but it was in circulation. Most certainly, if the change in the resolution of ministers arose from a wish to comply with the sense of the house, it must have taken place much sooner, for that sense, concurring with the sense of the country, had long and loudly called for the dismissal of Lord Melville from his majesty's councils. But still the minister would not yield until it was ascertained by a private canvass that he would be compelled to do so. No, there was no intention of giving up Lord Melville, while there was any hope of saving him. There was no notion of removing him from the admiralty, until his public conviction in that house rendered it absolutely necessary in order to ward off a motion of his honourable friend, and then the noble lord resigned. The minister seemed determined to cling to his friend, while he could

could take a decent hold of him, resolved to fight his cause while there was an inch of ground to stand upon. Lord Melville was to be protected to the last moment; for although the motion before the house had been announced some time since, a compliance with its object, which was the object of justice, was only communicated to the house the moment it was about to be submitted. The thing "though speedily done was tardily begun," and this served to shew to the house and the country what was to be expected from the disposition of ministers, what degree of confidence was due to their sense of public equity, upon which he trusted that no confidence would be placed, but that the house would take into its own hands the prosecution of a business which they had so happily commenced. Not that they would legislate against speculation, for the experience of the past held out no promise to the future that legislation would be an efficient remedy. But let the house take measures to discover and punish speculators. Let *real* inquiries be instituted and pursued. Let all the different reports on the table be closely examined. Let that be the work of the house, but in the prosecution of it let not ministers be trusted. Any support from such ministers to such a course of proceeding must be hollow. Their conduct with respect to the subject before the house sufficiently proved that; for the triumph over speculation obtained in this instance was not with their will. No; it was extorted from them, and they were at last forced to give up the speculator. They were afraid of a declaration in that house, if they persisted farther in screening the delinquent. It was quite obvious that they most reluctantly yielded, that the voice of the country and of justice would not have been obeyed, had ministers the power to resist.

The *Chancellor of the Exchequer* stated that the resolution he had announced to the house had not the least connection with any transaction out of doors. This he most distinctly denied. As to the allusions of the hon. gentleman who had just sat down, to what he called a canvass of the members, he saw nothing censurable in his availing himself of his extensive intercourse with members to ascertain their sentiments upon any public question. This was a right which belonged to any member of that house, and he believed it was the general practice with every member who had any proposition to bring forward. When he found that any particular proceeding was wished for by a majority of the house, he thought it but right and respectful to take that proceeding at once, and thus pre-

vent

vent the necessity of debate. By this course the time of the house was saved, and its opinion treated with due deference. What he had done in such a way he by no means thought inconsistent with his official duty, or the respect he owed to the constitution and privileges of that house.

Mr. Fox disclaimed having said, that he believed the change in the right hon. gentleman's conduct to proceed from the transaction referred to out of doors. Nor did he mean to impute blame to an endeavour to consult the opinion of members upon any public question. But he expressed his surprise that if this measure had been taken in compliance with the sense of the house, it had not been taken earlier, that it had not immediately followed those resolutions which passed the house so long since.

The *Chancellor of the Exchequer* observed, that there was not one word in the resolutions alluded to recommending the removal of Lord Melville's name from his majesty's council, or at all relating to it.

The *Secretary at War* confirmed Mr. Pitt's statement of the sense of the house on the 10th of April, that it was not then their wish to press the motion of removing Lord Melville from the king's councils; and begged the house to recollect the expressions of the hon. gentleman opposite (*Mr. Fox*), who to-day finds it convenient for his cause to argue, that he never abandoned the prospect of banishing Lord Melville from the councils of the king. Did not that gentleman then say that he gloried in being, with the Duke of Devonshire, the only example of any such punishment during the present reign, and that he did not wish to have such an associate as Lord Melville, in what he called a distinction and an honour? and when he said so, and when he says otherwise to-day, does he not evince an inconsistency and contradiction which must be so obvious to the house, as to require no further observation? The hon. gentleman who began the debate has in coarse language, and in a manner which has little in it of liberality, feeling or humanity, pressed upon Lord Melville, as if he had shared the plunder of the nation, or participated in public robbery: if he means so to charge him, let the charge be made, and it will be met and repelled, as unfounded and untrue. The extent of Lord Melville's criminality is, that he suffered Trotter to make interest of the public money, and he has, which I do not quarrel with, incurred thereby the heavy censure, which the vote of this house on the 8th of April conveyed. And I beg here to observe, that not always has the house of commons been

been so rigid, so strictly just, as in the instance of Lord Melville. Is it necessary to say that Lord Holland retired from the office of paymaster of the army in 1765, and for 17 years, till the year 1782, was in the undisturbed enjoyment, *out of office*, of 15,000*l.* per annum of interest of public money remaining in his hands, or in those of his executors? If report may be believed, the hon. gentleman opposite has in his youthful speculations, as he terms them, or as in plainer English they would be called gambling, lost sums so large, as no common private fortune could supply; did he, when 200,000*l.* were to be supplied, imagine that Lord Holland was not indebted to the purse of the public, to enable him to defray the extravagancies of his early life? If these remarks are thought severe, let it not be forgotten that only from provocation, seldom surpassed, they have been called forth.

Mr. Fox—As the right hon. gentleman has thought proper to make such a pointed allusion to the conduct of my father, I hope for the indulgence of the house while I submit a few observations; for although a considerable time has elapsed since the death of the person to whom the right hon. gentleman alludes, I cannot but feel a high interest in any thing that concerns his reputation. What the right hon. gentleman could mean by calling him to my recollection in this instance, unless to create an uneasiness in my breast, I am a loss to imagine. For how does the case of my father apply to that of Lord Melville? The case of Lord Holland is as clear as light. There was no law to forbid the paymaster of the army to apply the balances remaining in his hands to any purpose of private emolument, in the way described at the time Lord Holland held that office. Taking the fact as it stands, if, as the right hon. gentleman alleges, it was criminal in a public officer to make use of the public money for his own private profit, when there was no act of parliament against it, *a fortiori*, it was still more criminal after the act had passed (*A cry of bear! bear!*). The difference between the case of Lord Holland and Lord Melville is this, that the conduct of the former was not against law, while that of the other was in the very teeth of a law proposed by himself. What then does the right hon. gentleman gain by the reference? That the practice which obtained in the office of paymaster of the army was generally right, I am not now going to argue. But I do remember, and it must be in the recollection of the house, that at the time the practice was under discussion very different opinions prevailed among the most eminent lawyers in the country upon

upon this question, whether the paymasters were accountable to the public for the interest arising out of the balances remaining in their hands. I know that the negative of this proposition was maintained by many persons of high consideration, but most certainly the weight of eminence and authority was on the other side; for it was held that the balances were not the property of the public, but that of the public creditors. This question was repeatedly discussed in this house, under various administrations. I will not mention that of the Marquis of Rockingham, because that ministry might be supposed to have some regard for me, but it was very fully canvassed during the administration of Lord North, when, indeed, no such supposition of favour could exist. And what was the result?—why that a committee appointed to consider the case reported that the practice referred to was regarded as a privilege belonging to the office of paymaster of the army, and that it had universally prevailed with those who held that office, with the exception of the father of the gentleman over against me (Lord Chatham) and perhaps another. If it were deemed a criminal practice, no doubt some measure of prosecution would have been instituted. But the feeling was different. Nay, the house so felt it, and evinced its sentiment afterwards by granting an increase of the salary attached to the office, in lieu of such privilege. That sentiment was decidedly expressed in the resolution of the committee, upon which the salary of Lord Melville, as treasurer of the navy, was augmented in order to compensate for the loss of the emoluments resulting from the use of the public balances, which from the period of that augmentation was entirely to cease. Recollecting, therefore, that the practice of which the right hon. gentleman has accused my father did prevail among the paymasters of the army up to the time at which the salary of these officers was increased at the appointment of Mr. Burke and Mr. Barré, I cannot see any analogy between the case of Lord Holland and Lord Melville. With respect to the allusion which the right hon. gentleman has made to my conduct in early life, I have, to be sure, as the right hon. gentleman terms it, gambled a good deal. I also feel that I continued that practice much too long, and lost a considerable sum of money. My father, no doubt, left me a large fortune, but how the right hon. gentleman can infer that my manner of spending that fortune can afford any proof of my connivance in what he considers my father's improper manner of obtaining it, or that I was a party to the misappropriation of the public money, I leave it

to the house to conjecture. That those who are the relatives, or who have had the misfortune of being in any degree connected with Lord Melville, should feel affected by the disgrace into which he has fallen is, I admit, very natural; but yet I think that such feelings should not be suffered to stand in the way of a great public duty, and certainly it would be much more delicate not at all to express them in this house. I shall now say no more than to observe, that if it were the object of the right hon. gentleman to wound my feelings, he has entirely failed, and to repeat, that if he had succeeded in fixing the imputation of guilt on the conduct of my father, that success would only tend to aggravate the guilt of Lord Melville.

Mr. Whitbread disclaimed any intention positively to charge Lord Melville with participating the profits with Trotter, as the right hon. gentleman on the other side seemed to imagine. But if, upon future inquiry, evidence of such participation should appear, he would of course not hesitate to bring forward the charge. The hon. member added, that, from what had appeared to the house that evening, he did not think it necessary to press his motion. He concluded with asking whether Lord Melville held any place of profit during the pleasure of the crown?

Mr. Pitt answered, "none but for life."

Mr. Fox understood from a noble friend of his (Lord Henry Petty), the cause of whose absence from the house that day every one must regret, that the lord privy seal of Scotland was not a place for life, that it could not be legally so granted. However, upon the motion of which his noble friend had given notice, that question would be fully discussed, and therefore he should say nothing more upon it at present.

Mr. Whitbread's motion was then withdrawn.

Mr. Grey put off the notice of Lord Henry Petty's motion, which stood for Wednesday, to the next day se'nnight.

The military commission inquiry bill was read a second time, and ordered to be committed on Friday.

Sir J. Newport gave notice that he would on the next day se'nnight move for leave to bring in a bill for the appointment of a similar commission, to inquire into the military expenditure of Ireland.

The naval commissioners' bill was read a second time, and ordered to be committed on Friday.

CURATES.

On the motion for the second reading of the curates' provision bill,

Mr.

Mr. Western considering this a measure tending to subvert the church establishment, to render the whole body of the clergy dependent on the will of the bishops for the preservation of their revenue, moved, in order that the parties interested should have time to examine its nature and extent, that the second reading should be postponed till that day fortnight.

Mr. Creevey said, that although this bill professed only to encourage the residence of curates, the effect of it would be to transfer to the curates above one-fifth of the whole revenue of the rectories. He particularly objected to that clause which proposed to empower the bishops to let out the glebe to the curates, at any rent they pleased.

The Attorney General and Sir William Scott defended the bill, and objected to the proposed delay. They contended that the principle of the measure was sanctioned by two statutes already in existence, and that its object was perfectly congenial to the church establishment. It only proposed to compel rectors who were unwilling to reside on their livings, and do their duty, to pay curates for doing it.

Sir John Wrottesley disapproved of that part of the bill which refers to the letting of the glebe lands, and thought the whole act required much consideration.

Lord Porchester was desirous that the curates should, in all cases, have a sufficient income; but condemned this new species of income tax on the rectors. He said the bill had been improperly hurried forward.

The Attorney General contended that he had not proceeded with any undue haste.

Mr. Fellowes was a friend to the bill, and wished even that the rectors should be compelled to residence.

Mr. Western withdrew his amendment.

The bill was then read a second time, and committed for the next day.

On the motion of Mr. James Fitzgerald, the Irish common lands partition bill was read a second time; to be committed the next day.

Mr. G. Ponsonby gave notice, that he should the next day move for leave to bring in a bill to amend the Irish county road act.

Mr. Lee moved the second reading of the Irish water supply bill. After a short conversation between Mr. Alexander, who stated that the bill would interfere with the interests of the canals; and Mr. Lee, in explanation of the provisions of the bill, being only intended to carry into effect the acts of the

Irish parliament of the 29th and 30th of the king, the bill was read a second time, and ordered to be committed on Monday next.

The Chancellor of the Exchequer gave notice, that on Wednesday next he should move for the appointment of a committee to inquire into the state of the accounts between the East India company and the government of this country.

REPORT OF SUPPLY.

Mr. Alexander brought up the report of the committee of supply; and the resolutions respecting the extraordinaries of the army being read,

Mr. Frankland wished to know, whether it was intended to make any allowance of forage to field-officers in the wooden encampments, in which the troops were so advantageously distributed throughout the line of defence of the country. They had brigade parades every day of three regiments, and the troops were exercised in large bodies in the manoeuvres of an army twice a week. There was a large allowance of forage to field-officers in proper time, according to their rank, the moment the troops took the field in canvas encampments; and he saw no reason why some allowance should not be made to them in the wooden encampments, when the duty was precisely the same.

The *Secretary at War* admitted that the matter was deserving of consideration; and had no doubt but the persons at the head of that department would pay it every attention.

The resolutions were then agreed to.

On the motion of Mr. Western, an account was ordered of the quantity of corn, grain, and flour, that had been imported into the port of London, and the other ports of England, from Scotland, since the first of October to the latest period the same could be made out.

The Irish loan bill was reported, to be read a third time the next day.

COMMITTEE OF WAYS AND MEANS.

The house went into a committee of ways and means, to which, on the motion of Mr. Huskisson, the account of the deficiency of the sum granted last session for defraying the arrears of the civil list was referred, and the sum of 10,458l. was voted to make good the same. On the house being resumed, the report was ordered to be received next day.

On the motion of the Secretary at War, a committee was appointed

appointed to prepare estimates of the expences of the pay and clothing of the militia of Great Britain for the year 1805; of the allowances to subaltern officers of militia during peace; of the pay and allowances to adjutants and serjeants major of the militia; and also of the expences of the pay and clothing of the militia of Ireland.

Mr. Alexander brought up the report of the committee on the 34th of his majesty, so far as it relates to the exemption of estates under the value of 20s. per ten. from duty. The resolution recommending the repeal of that clause was agreed to, and a bill ordered accordingly.

The Chancellor of the Exchequer, by order of his majesty, laid before the house accounts of the sums that would be necessary to defray the expences of stationery for both houses of parliament; for the inland navigation of Scotland; for printing the journals of the house; for making good sums advanced from the civil list pursuant to orders of the house; for making good the deficiencies of the grants of last session; and for the salaries of the different officers of the house.

Mr. James Fitzgerald moved that there be laid before the house a copy of the patent, &c. by which the lords of the treasury in Ireland held their offices, and of their salaries. Also an account of the amount of revenue of Great Britain and Ireland derived from the territorial dependencies thereof, from the 1st of January, 1801, to the present time, so far as the same could be ascertained.—Ordered.

The other orders of the day were then disposed of.—Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 7.

Counsel was heard in the Irish appeal cause, *Rowe v. Power*. To be further heard on Thursday next.

Lord Holland took the oaths and his seat.

STANDING ORDERS.

Lord Mulgrave brought forward his motion for erasing from the book which purported to contain the standing orders of the house, the order No. 30, which empowered any individual peer to move the house to go into a committee, when he wished to speak upon a question more than once, or with a view to enlarge the freedom of debate. His lordship did not well

well know whether he should dwell upon the regulation as a standing order of the house, or merely as an admonition or remembrance, in which light it seemed to be considered by the noble lord upon the woolsack. But in whatever point of view it might be regarded, he could not but look upon it as a standing order of the house, and as such he should touch upon the various reasons which should induce the house to discontinue it. He had therefore to represent the abuse of such an order as pregnant with the most pernicious consequences. It was not only incompatible with the dignity of the house, and the impartiality and solemnity of their proceedings, but it also went to infringe the privileges of the house, by rendering nugatory the interposition, in the case of such committees, of proxies or protests. It afforded opportunity to great and powerful debaters to engross the whole discussion of any question, however important, by continually resorting to the expedient of moving for a committee, under the cover of this standing order. Besides, what a powerful and dangerous engine might it not prove in the hands of a despotic government, or of a turbulent and factious opposition, who, by protracting any discussion that might involve the most important affairs, must throw almost insuperable obstacles and embarrassments in the way of public business? He should not insist on the slighter inconveniences which an enforcement of such an order might frequently produce, but the arguments he had already advanced against its being longer continued were, in his mind, fully sufficient to justify him in now moving, that the said order be vacated.

Lord Carnarvon opposed the motion, on the very opposite grounds upon which it was supported by the hon. mover. He contended that it could never interfere with proxies or protests, and that no measure could be ultimately decided on in such committees, but only after the house was resumed, when proxies and protests might take their usual course. Whatever inconvenience might attend it, the inconvenience was nothing in comparison with the benefits with which it must be pregnant; for it appeared to him to be the best security of freedom of debate, which the other orders of the house tended to repress.

The *Lord Chancellor* did not well know how to treat the question. He never could look upon the order in question, as a real standing order of the house, but merely as an admonition or remembrance, which certainly required much explanation,

nation, and the nature of that explanation he should endeavour to submit to the house.

Lord Grenville contended, that the order objected to was never found to have been attended with inconvenience; it had been enforced but three times, during a period of nearly two hundred years; and even when it was enforced, it was only upon occasions that thoroughly justified the interposition of the order.

Lords *Radnor* and *Spencer* coincided with the same line of argument, while Lords *Harrowby* and *Hawkesbury* supported the motion on the same grounds as the noble mover. The latter noble lord principally enforced his argument in favour of the motion, on the ground that it was not the house that took advantage of, or had a control over that order, but individuals, which certainly might be used, when so intended, in the most vexatious manner.

After a few words in reply from Lord *Mulgrave*, the house divided on the question:

Contents—Present	14	Not Contents—Present	14
Proxies	15	Proxies	8
	—		—
	29		22

Majority in favour of the motion 7.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 7.

Mr. *Matthews* gave notice, that on Monday next he should move for leave to bring in a bill to amend the act of the 13th of George III. relating to turnpike roads and broad-wheel waggons.

A new writ was ordered for the election of a member for Coventry, in the room of F. W. Barlow, esq. deceased.

IRISH AFFAIRS.

On the motion of Mr. *Foster* it was ordered, that the house should the next day resolve itself into a committee to consider of the propriety of encouraging the consumption of beer in Dublin, Cork, and other principal towns in Ireland, and to indemnify the officers of excise for the loss of fees, by the transfer of the collection of the excise to the commissioners of stamps.

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The Irish post road bill went through a committee; the report to be received next day.

The report of the Irish promissory note bill was further considered, and the bill ordered to be read a third time next day.

The Irish loan bill was read a third time and passed.

The Irish dollar token bill was reported, and ordered to be read a third time next day.

Colonel Bagwell's bill for regulating the registry of freeholders in Ireland was read a second time, after some observations from Mr. G. Ponsonby, who, though friendly to the principle of the bill, thought many of its provisions required amendment—Sir Richard Martin, who thought the power of questioning the votes by traverse would lead to many inconveniencies, and that the rights of voters should be decided only by the house of commons—Sir John Newport, who was of the same opinion as Mr. Ponsonby; and Lord Temple, who thought, with Sir Richard Martin, it unconstitutional to transfer the decision of the rights of voters from the house of commons. The bill was ordered to be committed on Thursday.

Mr. G. Ponsonby obtained leave to bring in a bill to amend, in some instances, the laws relating to roads made by county presentment in Ireland.

The paymaster of the forces regulation bill was read a second time, and ordered to be committed on Monday.

Sir John Anderson presented a petition from the vintners company, praying compensation for the losses sustained by the construction of the London docks.—Ordered to lie on the table.

SIR HOME POPHAM.

Sir A. Hammond presented a petition from the navy board, praying the house to order to be laid before it copies of the letters of that board to the admiralty, dated 4th of May, in vindication of the commissioners of that board from the aspersions cast on them by the letter of Mr. Tucker, late of that board, now before the house.

On the motion that copies of these letters of the navy board be laid before the house,

Mr. Kinnaird stated, that it would be proper for him to postpone his motion relative to Sir Home Popham, if the letters contained any comprehensive range of matter. If they contained only a reply to the charge made by Mr. Tucker, of the omission of a large portion of time in the second statement of

of the Romney's accounts, he was prepared to go on with the motion.

Sir A. Hamond believed the papers now moved for contained a complete answer to this charge, but they involved also other parts of this extensive subject: he expected the papers, which were short, would be printed by the time the house would meet the next day.

Mr. Tierney conceived the whole question to be at present, whether *Mr. Tucker's* report on the subsequent corrections was well founded. It was certainly desirable that the character of a gallant officer, impatient to take his share in the service of his country, with a reputation unstained and unspotted, should be brought to investigation without delay. He thought the whole case ought to be referred to a committee of the house.

The *Chancellor of the Exchequer* understood it to be the intention of the hon. gentleman (*Mr. Kinnaird*) to move that the business be referred to a committee. In that case there was no occasion for delay. He thought it right to state decidedly, that there could be no understanding before the debate, as to what the proceedings would be which the house may think proper to adopt. The gallant officer who was the first object of the motion, may think it right to have the opportunity of clearing his conduct before the committee, or before the house previous to the appointment of the committee. The navy board may think it necessary to take steps for its own justification. Others also were implicated; but there were points of far greater importance involved, points essentially connected with British justice, and the freedom and rights of the subject. The consideration of how far abuses existed in departments of the highest importance to the safety of the country formed a material part of the subject; and if a committee was to be appointed, it was to be understood that all these objects may form a part of its charge.

After some further observations from *Mr. Tierney*, *Mr. Kinnaird* said it was his intention to move that the papers be referred to a committee; that he was far from abandoning the charge against the hon. officer, though the navy board was now so much implicated. The papers were ordered. They were afterwards presented by *Mr. W. Dickinson*, and ordered to be printed.

Several accounts relating to the ballast furnished by the Trinity House since 1783, and the charter of that society issued by Queen Elizabeth and Charles II. were ordered to be laid before the house.

NAVAL ADMINISTRATION OF LORD ST. VINCENT.

Mr. Jeffery (of Poole) rose to make the motion of which he had given notice, for the production of papers on this subject. He disclaimed all party motives, being entirely unconnected with party, and having communicated only with a few persons unconnected with party, and one or two on both sides of the house, whom he thought most interested in the subject. From the attentive examination he had made, he was sure the house would be of opinion, on the production of the papers he was about to move for, that the present depressed and degraded state of the British navy was owing to the neglect of Earl St. Vincent, who, if he had continued much longer at the head of that department, would have ruined it altogether. The hon. gentleman concluded with moving for a long list of accounts, to the number of 30 or upwards, relative to the state of the navy, and the manner of supplying the dock-yards with British and other timber, building, repairing, and breaking up ships, &c. from 1783, inclusive, down to the present year.

The *Chancellor of the Exchequer* wished for time to consider the motions, as he was apprehensive they may contain matter the disclosure of which would be inconsistent with the public service.

Admiral Markham stated, that nothing could be more highly gratifying to the noble lord now accused, and those who acted with him, than the fullest examination of their conduct. He allowed that the present state of the British navy was not very satisfactory, and that the cause ought to be inquired into. He trusted the blame would not rest with Lord St. Vincent. He thought it matter of serious consideration to unfold the whole means and methods of supplying the British navy since 1783.

Mr. Grey, as a friend of Earl St. Vincent, challenged the fullest inquiry into his conduct. He could not conceive that the British navy was degraded and disgraced. He hoped it never would be so. Any depression that it was under at present, he was sure would not be found chargeable to Lord St. Vincent, under whose administration it had gained so much glory in every quarter of the world, and under him none of those events had occurred that gave room for lamentation.

Mr. Jeffery said, that it was the good fortune of Earl St. Vincent, that a navy worthy of the British character had been put into his hands. With such a navy he could not fail to be victorious.

victorious in every quarter. It was his fault to have left after him a navy totally inadequate. During his whole administration but one ship of the line had been laid down in the king's yards, and only two contracted for with the merchants. He had no partiality for Lord Melville. He took pride to himself that he had voted in the majority of the 8th of April, against that noble lord; but he would say, in justice to his naval administration, that every exertion had been made in it to redeem the navy from the state into which it had fallen from the negligence of Earl St. Vincent. He consented to postpone his motion till Thursday.

Some further conversation followed, in which Mr. Tierney called for inquiry, and Mr. Grey challenged it, and

Mr. Jeffery declared, from the attention he had paid to the subject, that the house would find that he had not brought forward the subject without ample grounds.

The motion was then withdrawn.

On the motion of the Attorney General, the house went into a committee on the stipendiary curates bill, which after being reported was recommitted for next day.

On the motion of the Chancellor of the Exchequer, the house went into a committee on the property duty bill. Previously to its commitment the Chancellor of the Exchequer stated, that the clauses he proposed to introduce into this bill were merely of a verbal nature, or such as related to regulation only, and not such as would produce any alteration in the rates or quantum of the duty. A number of clauses were then severally read, and after some conversation agreed to. The report was ordered to be received on Friday next.

Mr. Alexander brought up the report of the committee on the deficiencies of the civil list, when the resolution granting to his majesty the sum of 10,458l. 1s. 6½d. for the purpose therein mentioned, was read and agreed to.

The committee on the Irish land partition bill was postponed till next day.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 8.

The committee of privileges, on the standing order with respect to Lord Melville, again met, and sat till half after

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four

four o'clock in the afternoon. They then adjourned till the next day at five o'clock.

The Lord Chancellor presented a petition from the university of Oxford, against the Irish Roman catholic claims, which was ordered to lie on the table.

His lordship then gave notice, that he should, on Monday, if respect to the absence of a noble lord (Anckland) should permit him, propose a motion, for the purpose of allowing it to appear on the journals of the house on what principles their proceedings had been regulated in the business of Mr. Justice Fox.

Lord Grenville expressed his individual regret, that it would not be in his power to be present on that day. His absence, however, could be of little consequence, as he had so frequently delivered his sentiments on that subject.

ADVOWSON BILL.

The order of the day for going into a committee on the advowson bill being read,

The *Earl of Suffolk* begged that a bill of so much importance should not be hurried through any of its stages in a house where there was so numerous an attendance of right rev. prelates, and hardly a single lay lord was present. He begged the right rev. bench to recollect that the cause which they wished to promote must be most essentially benefited while church patronage remained in the hands of the laity; and that this bill, besides, went to abrogate a material part of a statute to which, not the established church alone, but the cause of religion itself, owed its best safeguard—that of mortmain. The mischievous consequences resulting from an over extension of landed property of the country in the hands of the church, had been already felt; he thought it would be dangerous to try the experiment of a repetition of that evil. He therefore hoped that the right rev. bench would agree to postpone farther proceeding in this bill, till a full attendance of lay lords could be procured.

The *Lord Chancellor* was ready to confess that the bill might contain some clauses to which the lay lords might reasonably make some objections; but as many of them had been present that evening, well aware that the discussion of that question was to come on, he could not conceive that they would have withdrawn if they imagined themselves interested, or that, under the circumstances alluded to, they would have preferred attendance at dinner rather than on their duty. Besides, the discussion

discussion had already been more than once deferred to suit their convenience.

Lord Sidmouth acknowledged that he had expressed a wish that the further proceedings of the committee upon this bill might be deferred from Monday last until the present day, and he was ready to acknowledge his grateful thanks to the house for their polite acquiescence in that wish. He certainly had a clause to offer, in which many of the lay lords might justly think themselves interested, as he was free to confess that they had withdrawn that evening under the impression that the clause he referred to was not to be agitated. Since he came into the house, he had learned that the clause he intended to propose might be brought forward consistent with the rules of the house, even on the third reading of the bill; and he was happy also to learn that the bill might at present be allowed to go into a committee, on the understanding that it might again be recommitted, or that his intended clause might be proposed on the third reading.

The *Bishop of Oxford* was anxious to shew that he never opposed any procrastination of the bill, as far as such procrastination might be expected to throw fuller light upon the question; but in acceding to the proposition of the noble lord, who had an essential amendment to propose, he trusted that no further impediment would be thrown in the way of the subsequent progress of the bill.

The bill then went through a committee, and was ordered to be reported.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 8.

An account was ordered of the number of bushels of malt made from barley in Scotland, from the 5th of July, 1803, to the 5th of July, 1804, with the duty thereon; and from the 5th of July, 1804, to the 5th of April, 1805. Also, of the number of bushels of malt made in Scotland from bere and big, with the duty thereon, within the same period.

A person from the office of the chief secretary in Ireland presented at the bar an account of the expences incurred by state prosecutions in Ireland for the years 1801, 2, 3 and 4, respectively. Ordered to lie on the table, and to be printed.

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The Irish first fruits bill passed through a committee. To be reported next day.

Sir William Dolben presented a petition from the chancellor, masters, and scholars of the university of Oxford, against the prayer of the catholic petition. Ordered to lie on the table.

Mr. Lee brought in a bill for the more speedy recovery of small debts in Ireland. Read a first time, to be read a second time next day.

Mr. Francis Fane presented a petition from Sir William Rawlins, Knt. and Robert Albion Coxe, Esq. late sheriffs of London and Middlesex, stating, that owing to unfortunate advice, they had been so unhappy as to draw upon them the displeasure of the house by their conduct at the election for Middlesex in 1802, at which they had presided as returning officers, for which offence they had been committed to Newgate on the 11th of March, and praying leave to express their sincere sorrow for their said offence; and as longer confinement would be prejudicial to their health, and their private concerns, to entreat the indulgent consideration of the house.

The petition having been read by the clerk, was ordered to lie on the table, and Mr. Fane gave notice that he should the next day move that the sheriffs should be brought the following day to the bar, in order to be discharged.

The Irish post road bill was reported; to be read a third time next day.

The Irish bank token and Irish promissory note bills were read a third time and passed.

The house, on the motion of Mr. Foster, went into a committee, to consider of the propriety of encouraging the consumption of beer in Ireland, and on the house being resumed, the report was ordered to be received next day.

COMMITTEE OF WAYS AND MEANS.

Mr. Foster, on moving the order of the day for going into a committee of ways and means, acquainted the house that, pursuant to his declaration when he had the honour to submit to the house the statement of the Irish finances, he now proposed to bring forward his arrangement for an augmentation of the stamp duties. The various heads on which he proposed an increase were the following:—a considerable addition on the stamps on admission of attornies and clerks: a rise on the indentures of apprentices, in proportion to the fees paid: a rise on letters of attorney, giving power to grant leases: on letters of attorney to receive rents: on all leases

leases for a reserved rent above 20l. or on a fine of 100l. proportioned to the amount of fine or rent : on probates of wills, the stamps on which would not be so high as in this country : on legacies : on almanacks, the stamp duty on which he proposed to raise from 6d. to 9d. each ; and lastly on insurances of property against fire, which in some instances were higher, and in others lower, than the duties payable ; and, according to his arrangement, would be made exactly equal, in all instances, to the rate of duty in this country.

The house having resolved into the committee,

Sir John Newport threw out some observations on the impolicy of the augmentation of the stamp duty on indentures, as calculated to interfere with the valuable right of elective franchise ; but *Mr. Foster* observing that any communication of the hon. baronet on the subject would be properly attended to, the resolutions were agreed to, and the house being resumed, the report was ordered to be received next day.

Mr. Huskisson brought in a bill for rendering the duties on wine permanent ; another for repealing so much of the 35th of the king as exempts slates under 20s. per ton from duty ; and the Spanish wine importation bill ; which were severally read a first time, and ordered to be read a second time next day.

The land tax commissioners name bill passed through a committee ; to be reported next day.

Mr. Dent gave notice of a motion for an account of the officers who had been promoted during the administration of Lord Spencer and Lord St. Vincent, in the department of the admiralty.

The committee on the Thames ballastage bill, fixed for Monday, was discharged, and the bill referred to a select committee.

A new writ was, on the motion of *Mr. Grey*, ordered for the county of Galway, in the room of Lord Dunlo, now Earl of Clancarty, a peer of the united kingdom.

A select committee was, on the motion of the chancellor of the exchequer, appointed to consider of the state of the accounts between the East India company and the public, and an order made that nine be a quorum.

SIR HOME POPHAM.

Mr. Kinnaird rose to make his motion on the subject of the papers before the house, relative to the conduct of this hon. officer. He had come down to the house prepared to make

make such a statement as he trusted would induce the house to agree to the motion which he should have the honour to propose, for the appointment of a committee to examine the very large body of papers that had been laid before the house on this subject. Since he had been in the house, however, he had learned that there was no intention to oppose the motion for the appointment of the committee, on the part of the gentlemen opposite. It would be unnecessary for him, therefore, to take up the time of the house by any prefatory observations, and he should therefore content himself by referring to the many important documents contained in the volume before them, for the ground of his motion. At present, he should confine himself to moving, that the several papers presented to the house, relating to the repairs of the *Romney and Sensible* while under the command of *Sir Home Popham*, be referred to a committee. On the motion being put,

Sir Home Popham declared that he would not make a single observation on the present motion, if he did not apprehend that a silent acquiescence might be construed into a tacit acknowledgment that the motion rested on an actual charge existing against him. If the hon. member had made his motion on that ground, or with a view to such an object, he should have felt himself bound to give it every opposition, because there was nothing of the nature of a charge against him in the papers which he could not completely and satisfactorily refute. There were, he would not dispute, several matters contained in these papers, which it was desirable to have referred to a committee, and consequently he was not disposed to object to the motion, provided that in so doing he should not be considered as giving any acknowledgment of any well founded charge against himself. Many gentlemen, no doubt, had read the whole of the papers, and from being acquainted with their contents, were competent to decide whether such a step was not expedient. His object in rising had been to state a general outline of his conduct, by adverting, if he should be permitted, to what had passed on a former night. The hon. member (*Mr. Kinnaird*) had, on that occasion, stated, that he had been treated conformably to the usual practice of the navy; that he had been treated in the same manner as three gallant and honourable officers whom he had mentioned by name, *Sir Richard King*, *Sir Richard Bickerton*, and *Sir Andrew Mitchell*. He had been extremely surprised to hear this assertion, and though he knew that each of these officers had attended the

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the different boards, he had been so nervous that he could not bring himself to contradict an assertion so confidently made. But he had yesterday received a letter from Sir Richard King, confirming his own opinion, and stating that that gallant officer, on his return from India, had had occasion to attend and correspond with the different boards on the subject of his accounts. The navy board were justified, therefore, in the concluding paragraph of their letter, wherein they had stated, that in his case there had been a deviation from the ordinary practice of the board, and that he had been singled out as a victim to such a course. He had felt it necessary to advert to this circumstance, because of the impression that might have been made on the house by the statement of the hon. member, and because, at the time of making it, the hon. gentleman had held in his hand, as a document, the scurrilous pamphlet that had been published reflecting on him. That it was usual for officers to attend the different boards on such occasions, he proved by reading an extract from a letter of the navy board to Captain Sance, contained in the papers, in which that officer was called on to attend them on the Friday after the date of their letter. In another letter, they called on him to explain why he had provided the *Sensible*, at Calcutta, with a greater quantity of stores than were allowed for ships of that class; and in a letter, it was stated that such increase had arisen from an alteration of the establishment of that vessel. The fact was, however, that he had never given orders for such alteration, nor had it ever taken place in the establishment of the *Sensible*. His letter to the navy board would prove that. The *Sensible* had been nearly a wreck in the Red Sea, and he had given directions to contract for two sets of sails for her, provided, however, that if she foundered at sea, or should not arrive, no expence should accrue to government: as to the establishment of the vessel, he had given orders that such a provision of stores should be made as would fit the vessel for any establishment which the lords of the admiralty should think proper. General Baird, on his arrival in the Red Sea, had proposed to him a plan by the desire of the governor general, for attacking, in the event of the expulsion of the French from Egypt, and the return of the Indian army, either the Mauritius or Batavia. He was not at the time prepared to say, that the force under his command was adequate to such an expedition, but he was anxious to have it in such a state of equipment as to be ready for any service required. As to the anchor, upon which so much stress had been laid, it now ap-

peared that the whole matter was a mistake of the navy board. He owed it to the curiosity of a brother officer, who hearing so much about this circumstance, had examined the original records at Chatham, and found that the ring and shank of the anchor lost in the Indian Sea had been returned to that arsenal, that this mistake was corrected; his own letters to the navy board on the subject having been amongst the papers lost. When he had sailed for India, he had a strong westerly breeze, and he found his ship so crazy, so rotten, and so leaky, that he was obliged to put into Portland Roads, and if it had not been for the importance of the service on which he was proceeding, he should not have ventured in her. He then proceeded to the Cape, afterwards to the Red Sea and to Calcutta, where she was near sinking, as would appear from the papers. He trusted that the bad and leaky state in which his vessel was there, would be a satisfactory reason to the house for the repairs she had undergone. From the first moment of his hearing that an unfavourable impression was entertained of his conduct by the admiralty, he had pressed earnestly for a hearing. He had passed under the imputations that followed the strongest and severest ordeal that any officer ever had. This would be evident from a reference to the strange accounts that had been made up, as would appear from the letter of the navy board, by Mr. Tucker. They had been told in that of criminal prosecutions, and, if these should not answer, of the matter being carried into the exchequer. But he contended, that the law that ought to have been appealed to was martial law; that law which had upheld the navy of England. He ought, if supposed guilty, to have been brought to a court martial, rather than to have been made the subject of a paper war. He should have met the court martial with the same fortitude that he had shewn in meeting the scurrilous pamphlet to which he had before alluded, which, from a letter in his possession that he was almost ashamed to read, he had reason to think had proceeded from a source which ought not to have stooped to such unworthy expedients—(*A cry of read, read*). The hon. member here read a letter signed John M'Namara, stating, in answer to a question put by him to that gentleman, that he had heard from the publisher of the pamphlet, that it had come from Lord St. Vincent's board of admiralty. Before he should touch upon the other points, he begged leave to advert to a letter written by the navy board, 11th February, 1802, to Captain Mitchel, composed of exhortations and threats, and affording an extraordinary instance of an attempt to

to influence the evidence of an inferior officer. This letter called on Captain Mitchel seriously to exhort his boatswain to state all he knew, and to inform him, that, from the state of his accounts, his evidence might have very serious consequences. This was a call upon him to rack his memory.

Mr. Kinnaird here called the hon. member to order. He had a right, no doubt, to read the passage from the letter, but he did not conceive it orderly to put the meaning into another form of words, which appeared to him to be rather a comment than a quotation.

Sir Home Popham appealed to any learned member in the house, whether he had put a construction on the words which any court of law would not allow. They called upon an inferior officer to rack his memory for any thing during the course of two years that could be brought against the conduct of his captain. He should not deny, and it was what might happen to any officer, that he might have committed some irregularities; but he was sure he had not been guilty of any criminal irregularities, that could call for, or warrant, the criminal industry that had been employed to decry his character. The whole transaction had been submitted to the commissioners of naval inquiry, whose conduct had been so ably argued, and so universally applauded in that house, that he should feel a pride in abiding by the issue of their examination of *Mr. Lewis*, and in their report thereon to the house. The hon. gentleman, in his opening speech on this subject, had stated, that he would feel as much pleasure as any hon. gentleman, if the investigation of the business should be favourable to the person who was the object of it (*A cry of hear, and a nod of assent from Mr. Kinnaird*). Nothing could so completely exculpate him from the calumnies that had been propagated against him, as a proof that there was no collusion between him and the naval officer alluded to. On this subject he had written a short and pithy letter to the naval commissioners, calling on them to state, whether, even from inference or misrepresentation, it appeared by the examination of *Mr. Lewis*, that any collusion existed between himself and that officer. They replied, that they had made their report to the three branches of the legislature, and that they could not answer his question. He had in every instance retrenched expences, but on a scale deserving the attention of an officer. As to the canvas, which did not exceed in value 12l. and the junk not 25l. though the account occupied three pages in the report, neither could be supposed worthy of notice. He

had deemed it necessary to advert to these topics, and might have expressed himself with some warmth, but he was sure that would be overlooked; when it was considered how long he had been exposed to the calumnies so industriously propagated against him, and how severely his own and his family's feelings must have been affected. In the whole of the expenditure he had been regulated by a desire to have his ships as highly and as well dressed as they could be. He had given orders, in drawing for money, that no bills should be drawn at a higher exchange than 2s. 6d. which was lower than the rate of exchange on bills drawn by Admiral Blanket, who had also been in the Red Sea. In the rations also there was a saving. The diminution in the extravagant expence of transport tonnage had been very considerable. On his arrival in the Red Sea, he had taken upon himself the management of the whole of the company's transport tonnage, and, in a short time; made a reduction in the expence to the amount of seventeen thousand pounds per month, which he followed up till the saving amounted to twenty-seven thousand pounds. He did not advert to these circumstances as instances of any great merit on his part; what he had done was only his bounden duty. He could not, however, but confess that he might have been a little extravagant with respect to his flying sails; but he trusted an additional expence of a few pounds for such an object would not be looked upon as a ground of disapprobation of his conduct. He had the testimony of the Marquis Wellesley as to his measures of reform and retrenchment, together with an assurance of every assistance to enable him to continue them. Thus far he had thought it necessary to state the outlines of his whole conduct, and, as he had stated at first, he had no objection to the appointment of the committee, provided his acquiescence should not be construed into an admission of the validity of any charge against him. The report of the committee, he trusted, would be as favourable to his character as he could wish. If he had erred, he had the satisfaction to know that he had not erred from principle. He did not mean to say, that ignorance was any justification of an officer's conduct, but he was of opinion that that conduct should be considered on a great scale, and with a just attention to every part of it. He was sensible that he was addressing the most liberal and enlightened assembly in the world, and, except the moment that should restore him to the service in which he gloried, the moment of referring his whole conduct to their decision was the happiest of his life. If

If he had gone too much at length into the particulars, he trusted to the indulgence of the house for having taken up so much of their time and attention.

Mr. Hutchinson corroborated the statements of the gallant baronet, and said, that having closely examined all the papers on the subject before the house, he was convinced that Sir Home Popham had discharged his laborious duty to the public with the utmost fidelity.

The *Chancellor of the Exchequer* expressed his intention of voting for a committee, not from the slightest impression that the papers would furnish any ground of accusation against the hon. baronet, whose conduct, on the contrary, on every occasion had done honour to himself and essential service to his country, but because they were too voluminous for the investigation of the house. There were other collateral circumstances which he wished to be referred to that committee. He wished them to investigate the proceedings which had come out of the navy and admiralty boards. The short examination of a witness; the circulation in the fleet of the report of the navy board, tending to criminate the gallant officer; the loss of the documents on which that report had been founded; and that most serious circumstance, the manner in which the liberty of the subject and the usage of the navy had been invaded by the impressing of an English officer (*hear! hear!*). He was apprehensive, as the motion was worded, that it would not embrace all these objects. It was at present confined to the repairs of the *Romney* and *Sensible*. He would therefore propose, that in addition there be referred to the committee, for their investigation and report, the proceedings of the admiralty and navy boards, and those of the commissioners of naval inquiry thereupon; the unauthorized publication of the report of the navy board (he said unauthorized, because it had been disavowed by that board); the loss of the documents on which that report had been founded; and the circumstances attending the impressing of Mr. David Ewan Bartholomew.

Mr. Fox questioned the formality of inquiring into that which was stated to be unauthorized.

Mr. Jeffery believed the hon. and gallant officer to be a highly oppressed man. The most frivolous and vexatious charges had been brought against him; but he was convinced, that the whole of his conduct, particularly in India, merited the warmest approbation, instead of the censure of the house.

Mr. David Scott approved of the motion for a committee,

as amended by the right hon. gentleman. When he was chairman of the East India company he had corresponded with Sir H. Popham, whose conduct had made the most favourable impression on his mind; that impression had been increased by the perusal of the papers on the table. Serious observations had been made on the expenditure of oakum and other trifles, while the saving of 27,000*l.* per month in the reduction of tonnage was overlooked.

Admiral Markham declared that the pamphlet mentioned by the gallant baronet, certainly did not proceed from what had been termed Lord St. Vincent's board of admiralty. Whether his hon. friend wished to assert any share in the manufacture of it, he did not know, but for himself he utterly disclaimed it: the first time he had ever heard of it was last November at Portsmouth. The scurrility of this pamphlet had been insisted on, but surely it was not more scurrilous than the pamphlet antecedently published by the hon. baronet himself, in which he had indulged in observations calculated to defame and disgrace one of the highest public boards in the country.—The hon. admiral read several passages from the law opinion annexed to Sir Home Popham's narrative of the proceedings between him and the navy and admiralty boards, in support of his statement, and contended, that if a pamphlet, accusing an individual of improper conduct, was unjustifiable, one of the same tendency by an officer against a public board was still more so. The hon. admiral called on the right hon. gentleman opposite to consider whether or not, by the measures he was now pursuing, he might not destroy that service which it was his duty to uphold. The liberty of the subject, to which he had alluded, was a very ticklish point, and he cautioned him how he allowed it to be agitated. He warned him, lest by persevering in the system which had been adopted, the whole navy should go to ruin. His noble friend had persevered against a host of enemies in endeavouring to improve the state of the navy. Whether they considered the civil or the military services of that noble lord, the house would ultimately find him entitled to their warmest thanks; and he could not help believing, that the right hon. gentleman wished in his heart that the navy was in the situation in which it was when his noble friend retired from office.

Sir H. Popham would be very glad to leave the comparative scurrility of the two pamphlets to the determination of the committee.

Mr.

Mr. W. Dickinson reprobated the keeping of the gallant officer in a state of suspense for such a length of time. Why was it that Sir Home Popham had not been tried by a court martial? or why had not a civil or criminal prosecution been instituted against him? Because, in that case, facts must have been distinctly proved; because a jury must have been convinced of his guilt before they returned a verdict against him. Instead of this, the conduct of the hon. baronet had been submitted to the consideration of the commissioners of naval inquiry, who very fairly declared that it was not a fit subject for their investigation, but for that of a court martial alone. But why had it been referred to the commissioners of naval inquiry? Because that was a court dilatory or summary, as they thought proper; because that was a court in which a man, contrary to all the principles of British jurisprudence, was expected to criminate himself, and if he declined doing so, he was stigmatized with the name of a hero of the fifth clause!

Admiral Markham, in explanation, said, that the business had been thought too complicated for the consideration of a court martial.

Mr. Sheridan could not refrain from making some remarks on what had just fallen from the hon. gentleman opposite, whose observations on the commissioners of naval inquiry were in the highest degree indecorous and unbecoming.—It certainly was in the highest degree indecorous and unbecoming to cast such reflections on a body, to whom the house had voted thanks for what they had already done, and a further extension of their powers. Had that hon. gentleman wished to preserve his consistency, he ought to have opposed the renewal of that commission, as well as the appointment of the one that had been proposed by the right hon. gentleman under him.

Mr. W. Dickinson did not mean to cast any reflections on the commissioners of naval inquiry; on the contrary, he had said, that they recommended the trial by court martial, of which he approved.

Mr. Kinnaird, however provoked he might be, would not give way to the temptation of making that statement on the subject which he certainly was completely prepared to make. In reply to the accusation of delay that had been brought forward against him, he said, that not being aware in the first instance of the extent of the papers that it would be necessary to call for, it was impossible for him to fix a time for

for referring them to a committee. He asked the hon. gentleman in what part of the papers was to be found what he had in vain looked for, the wish expressed by the commissioners of naval inquiry, to decline the investigation of the gallant baronet's conduct, and to refer it to a court-martial. The observations made by the right hon. gentleman opposite, on the impressing of Mr. Bartholomew, were extremely unfair, as they implicated the conduct of a noble lord, which, he was convinced, when it came to be scrutinised, would be found to be in the highest degree praiseworthy and laudable.

Mr. W. Dickinson had not stated that the commissioners of naval inquiry to decline the investigation of Sir H. Popham's conduct, and to refer it to a court-martial, existed in the papers before the house. It had been mentioned by an hon. baronet at the head of that commission, and confirmed by a conversation he had with him on the subject that morning.

The motion as amended by the chancellor of the exchequer was then put and carried.

The *Chancellor of the Exchequer*, as he saw the hon. gentleman was prepared with a list of names, took the opportunity of intimating, before he heard them read, that he should propose the committee to be chosen by ballot.

Mr. Kinnaird remonstrated against this proceeding. The right hon. gentleman had himself named a committee in the early part of the evening respecting the India business.

The *Chancellor of the Exchequer* said, that it did not follow such was to be the invariable mode of appointment. There was a considerable difference between a committee, such as that the hon. gentleman had alluded to, and one to which matter that went to criminate an individual was to be referred.

Mr. Kinnaird declined dividing the house on the subject.

The Speaker observed, that it would be necessary, for the sake of form, to propose the first name on *Mr. Kinnaird's* list, which happening to be that of *Mr. Canning*, produced a good deal of laughter.

The *Chancellor of the Exchequer* remarked, that he certainly could have no objection to his right hon. friend, although, for the sake of the general principle, he should be obliged to negative his appointment.

After a few words from *Lord Temple*, who contended that his right hon. friend's theory and practice were at variance on this subject, the motion for *Mr. Canning's* appointment on the committee was put and negatived.

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On the motion of the Chancellor of the Exchequer, the number of the committee was fixed at 21; it was decided that it should be appointed by ballot, and the ballot was ordered to take place the next day.

The other orders of the day were then disposed of, and the house adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 9.

The committee of privileges sat again this day from five till eight o'clock; but their determination was not reported to the house.

The bills on the table were forwarded, and immediately afterwards the house adjourned.

HOUSE OF COMMONS:

THURSDAY, MAY 9.

Mr. C. Dundas presented a petition from certain freeholders of the county of Bamff, praying, that the abuses developed in the reports of the commissioners of naval inquiry be completely investigated, and the delinquents already convicted brought to condign punishment. Ordered to lie on the table.

Mr. Cobb, from the office of ordnance, presented certain accounts pursuant to order of the house, which were ordered to be printed.

Mr. Lee moved, that the Irish small debt bill be read a second time.

After a conversation, in which Sir J. Newport, Colonel Bagwell, and Mr. Lee, supported the bill, and Mr. May, Mr. Alexander, and Mr. Ker opposed it, the bill was read a second time.

Mr. Lee wished that the bill should be immediately committed, but to this Mr. Alexander strongly objected; and, on the motion of Mr. Lee, it was ordered to be committed next day.

On the motion of Mr. Shaw Lefevre, it was ordered, that a message be sent to the lords, requesting that their lordships would permit Lord Harrowby to attend the select committee, to be examined.

On the motion of Sir J. Fitzgerald, the Irish land partition bill went through a committee, and the report was ordered to be received next day.

The Chancellor of the Exchequer moved the ballot for the select committee.

Mr. Kinnaird observed, that many members left the house at an early hour the preceding evening, impressed with the idea that a committee would then be appointed, and were ignorant that a ballot was ordered for the present evening, he therefore suggested the propriety of postponing the ballot.

The Chancellor of the Exchequer, willing to give every opportunity for a full ballot, acceded to Mr. Kinnaird's proposition, and the ballot was accordingly postponed till next day.

Mr. Shaw presented a petition from the lord mayor, sheriffs, and citizens of Dublin, against the catholic emancipation. Ordered to lie on the table.

The petition of Sir W. Rawlins, and R. A. Coxe, esq. late sheriffs of the county of Middlesex, having been read,

Mr. F. Fane moved that the petitioners be brought to the bar the next day, to be reprimanded and discharged.

Mr. Rose seconded the motion, conceiving that the punishment of the petitioners had been sufficient to prevent similar offences. Ordered.

On the motion of the Chancellor of the Exchequer, the order which stood for the next day for the house to resolve itself into a committee on the bill for continuing the commission of naval inquiry, was postponed to Tuesday.

Sir J. Newport postponed his notice of a motion for a committee to inquire into the public expenditure of Ireland, from Tuesday to Wednesday.

On the motion of Colonel Bagwell the house went into a committee on the Irish election bill, Sir W. Burroughs in the chair. The bill underwent considerable discussion, in which Mr. Lee, Mr. Fitzgerald, Sir J. Newport, Colonel Bagwell, Mr. Martin, Mr. Ponsonby, Mr. May, and Mr. Alexander, each took a part. On one of the clauses the gallery was cleared, but there was no division.

The house having resumed, Sir W. Burroughs reported progress, and asked leave to sit again on Wednesday. Ordered.

Mr. Sturges Bourne, in the absence of his hon. friend, postponed the motion for certain papers relative to the navy till the next day.

On the motion of Mr. Sturges Bourne, the order of the day for a committee of the whole house on the prize bill on Monday, was deferred till Thursday.

Mr. Foster gave notice that he would, the next day, move for leave to bring in a bill for the better regulation of the revenue in Ireland.

Mr. Alexander brought up the report of the committee of supply, which, after a few observations from Mr. Fitzgerald, Mr.

Mr. Foster, and Mr. Ker, was agreed to, and a bill ordered accordingly.

On the motion of Mr. Huskisson, the slate duty bill and the bill for rendering perpetual certain duties on wine were read a second time, and ordered to be committed the next day.

The Irish road bill was read a third time and passed.

The second reading of the Irish poor bill, and the report of the committee on the Irish first fruits bill were deferred till next day. Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 10.

After advancing the bills on the table a stage each, and going through some other preliminary business, the house proceeded to the order of the day for taking into consideration the prayer of the

IRISH CATHOLIC PETITION.

Lord Grenville immediately rose and moved that the petition be now read; which being read accordingly, his lordship entered upon a statement of the motives which induced him to give notice of the motion which he should that night submit to their lordships' consideration. I wished, my lords, (said he) that the petition might be now read, in order to refresh your lordships recollection of the objects it sets forth, and the spirit of moderation with which it dwells upon them. I trust that we shall enter upon the discussion with a similar spirit, and that above all things there will be infused into it nothing of party violence. That the petitioners and the objects of the petitioners should have elsewhere to encounter party violence must naturally be expected. Indeed, from party spirit and party violence they have almost every thing to fear and scarcely any thing to hope. But here at least, I will again press or wish that no room may be found for the influence of such impression; cruel indeed would it be to intermix party views with a discussion of such a nature, and to sport with the feelings and interests of millions of our fellow subjects, while the sole intention and endeavour would be to advance party purposes. Conscious I am, that in what I have now undertaken, not a breath of such a disposition actuates my breast, and as willing am I to believe, that such impressions are equally remote from your lordships minds. But at the same time, my lords, I should shew myself very ill-read in human nature, and ignorant indeed of what objects our present discussion must give rise to, if I were not fully aware of how much prejudice, clamour, and misrepresentation it has to encounter.

counter. Fully sensible I am to what portion of that clamour and misrepresentation I myself and those who may think with me on the present subject are liable, and how our conduct may be said to betray indifference and disregard towards the establishments in church and state; but to these imputations I can readily oppose the consciousness of the rectitude of my intentions, strong in the consolatory recollection that I have discharged a great duty, and that whatever fate the question may experience, I shall have no share at least in the evils that may ensue from an unkind and abrupt rejection of it. The evil, indeed, might have been doubly great if no opportunity whatever had been given for the discussion of it; but now that it has come under your lordships' consideration, I own I feel anxious that the question may be respectfully entertained, and calmly and deliberately discussed. If such be our conduct on this important occasion, it will at least have this happy result, that no man will go away without some hope that ere long some progress must be made in the business: but should our conduct have manifested an opposite temper and disposition; should it have appeared that there was not one man in the imperial parliament to present the petition of so large and respectable a class of the community, and that even the door of your lordships' house was shut against its prayer, what would have been the impression made by such a conduct on every thinking and benevolent man, what at least would have been the impression on the minds of those whom it more nearly concerns, but that of absolute despair? With that view of all the sentiments and circumstances which must attend the manner in which so important and delicate a subject is taken up, I will endeavour to shape my mode of proceeding according to my best conception of them. I shall only request, that what so deeply concerns so large a class of our fellow subjects, may at least be taken into consideration without any attempt to point out how any of the objects of the petition should be granted or withheld. By proceeding thus temperately and cautiously, I trust I may vindicate the propriety of my own conduct, and of those who hold similar opinions, while at the same time I exemplify the spirit of the petitioners themselves, whose chief solicitude it is that at least their petition may be respectfully submitted to your lordships' consideration.—And now, my lords, how shall I begin to lay this momentous question before you? I think it most natural and advisable to begin by stating a fact, which should form the foundation of the whole of our proceedings upon this question,

tion, a fact to which those who oppose it seem to pay very little attention or regard. The fact to which I allude is the state of the population of the country from which the petition comes. The amount of the part of the population which includes the petitioners is differently stated, at the lowest it is computed at three millions, at the highest at four. It would therefore appear, that there are about four millions of persons in Ireland, who are educated in, and who profess the tenets of the Roman catholic religion, and who consequently cannot be considered in any other light than as Roman catholics. But as it is the object and the duty of every government to provide for the happiness of the nation they rule, how can a government be said to provide for the happiness of a country, three-fourths of whose population does not seem entitled to their care? No doubt it were devoutly to be wished, that the same amity might prevail in matters of religion, as in political and constitutional principles; yet this is not to be viewed according to our wishes; but as it is, my lord, as it has been, and as it must continue to be: however that portion of the population may be governed, with that certainty before them, are even those who may wish there were no catholics at all, prepared to say that government should look only to the happiness of the members of the established church? I hope and trust there are none who entertain such a sentiment; but should there be any, let them cast back their eyes on what has passed since the reformation; let them recur to the history of those times down to the present, and they may collect from a due observation of the system of government how to correct their opinion. They will find that the catholics were looked upon as adverse to the revolution, because their religion was connected with an opposite political opinion, and thus placed them in a hostile light to the protestant establishment. But the object of the revolution was not to punish and put down a particular religious opinion, exactly because it was supposed hostile to church and state, but because it was thought to be then connected with a political opinion that inclined to favour the exiled family, and in consequence of that partiality the catholics were excluded by new laws and enactments from any participation in the government. I shall not now examine into the justice or expediency of that conduct, or commend or arraign the motives from which it sprang. I know at least, and that is enough for me now to state, that the situation of those times is not the situation of the present day; but here also let me do justice to that great,
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that memorable prince King William, who always approved himself the friend of freedom, the friend of toleration, and let me not be thought to charge on his memory the blame, if blame there be, of the measures that were subsequently adopted. They were no part of his system. Under the following reign the Irish catholics, merely as catholics, were considered as irreconcilably hostile to the protestant establishment in Ireland; their mutual dislike soon festered into an implacable hostility which nothing could allay, and not only were the catholics excluded from all participation in the government and in the benefits of the constitution, but they were not allowed even the enjoyment of property, of their religious rites, not even the means of education; and thus the measures adopted against them were calculated in every respect to render them poor, illiterate, and contemptible, and to reduce them to the lowest, the most degraded state to which it was possible to reduce man: so low were they sunk in ignorance and poverty that they could derive no possible kind of consequence but from their numbers, and thus, by every sort of exasperation, they must have been thoroughly alienated from their fellow subjects. I can feel no pleasure in descending any further into an examination of the system which then prevailed. I should not perhaps have even gone so far into the consideration of it, though it was scarcely avoidable; though I confess that I might have been betrayed somewhat further, merely by the anxiety I must have felt to mark and note out the pleasing contrast between what their past and what the present auspicious reign exhibits in that respect.—How striking that contrast every heart must feel and acknowledge; measures have gradually been adopted which reversed the former system, and perhaps good can only be gradually produced. An act was soon passed to allow the Roman catholics and protestants to intermarry. They were next indulged in the free exercise of their religion; and though they might not be made good protestants, yet they were no longer expected to be made immoral members of society. Still further indulgences were granted to them: they soon were allowed a share in the elective franchise, and in the executive offices; and this system of lenity and concession rapidly produced the very opposite effects to which the former system necessarily gave rise. They soon acquired wealth from the pursuits of agriculture and trade, and from a participation in every thing that promotes general civilization. The extension of commercial privileges which was afterwards granted

granted them, naturally increased their wealth, which being diffused among the lower and middling classes, a class was soon formed, which scarcely existed before, but which it was the avowed object of the new system to establish. Nor were these the only advantages that sprung up under its fostering protection and encouragement; for in proportion as they advanced in industry and increased in wealth, an evident increase was also discernible in their affection to their king and country, and in their attachment to the constitution; all of which received a still further increase by the marks of favour they received in the year 1792, when they were admitted to the enjoyment of almost every advantage and blessing of the constitution, except those enumerated in the petition now on your lordships' table. But here, it seems, it was thought proper to make a stand; the plan of concession was to proceed no further, and they must submit to be excluded from any more enlarged participation in the government. Many nice considerations may have stopped the progress of gradual concession. It was judged fit to consider what might be safely granted, and how far these concessions might be carried without interfering with what was due to the other side, and what might be expected by the party which was exclusively protestant. The great measure of the union was, however, to remove all these difficulties—those at least which chiefly arose from the peculiar frame of the Irish parliament, and which were looked upon as the principal bar against further concession. What before might justly be considered as dangerous, was now looked upon as perfectly innocent. The measure of the union excited strong hopes that its operation would tend to a removal of the remaining disqualifications. There was certainly no promise made to that effect, yet by most of the supporters of the union, an expectation was created that the catholics might look for more favour from the imperial parliament than from the parliament of Ireland; and indeed these additional concessions were often hinted, as one of the great objects of the union. Although the supporters of the union might not all agree that any further measure in favour of the catholics should be carried, yet they, almost all who spoke on the consequences of the union, seemed to reckon the possibility, nay the probability of such further concession as among them; at least it was frequently asserted that the catholics might safely present their petition to the imperial parliament, who were likely to entertain it with respect, and cheerfully to take it into consideration. It

was added, that whatever difference of opinion might before have prevailed upon that point; that since the union there could no longer be any hesitation to examine minutely and in detail all the measures respecting the Roman catholics, and the expediency of granting any further exemptions. It is this pledge, my lord, which I now call upon your lordships to realize. I do not mean by challenging your lordships to fulfil that pledge, to call upon you for the adoption of any particular measure; but merely to manifest a disposition which proves our readiness to consider the case of the catholics with temper and impartiality, and with a sincere desire to compose all animosities and differences; and likewise a willingness to hear what rights they may yet claim to the full enjoyment of constitutional protection. The question, therefore, which I shall have to propose is, that the house do immediately resolve itself into a committee to consider of the petition presented in behalf of the Roman catholics of Ireland. Who could refuse to acquiesce in such a motion, or upon what grounds the refusal could be justified, I am at a loss to consider. For myself, my lords, I am ready to declare, that not only a part, but the whole of the prayer of the petition should be acceded to. For what was the general wish? Did it anxiously look for a complete union of all descriptions of his majesty's subjects, for an union not merely in name, and the letter of the law, but an union growing out of mutual interest and affection, and determined devotion on all sides for the defence of the constitution? Yet I readily confess, that the question may in some degree be a question only of expediency, and not of right; but of what nature can that expediency be well considered, which would continue restrictions on four millions of our fellow subjects, which debar them from a full share of the privileges of citizens? It is at least incumbent upon those who would continue the restrictions, to shew the necessity of continuing them. Must they not allow, that the principle of our free constitution consists in equal laws and privileges, and that in the eye of the law, the lowest man is on a footing with the highest? Upon what ground then can the continuance of the disqualifications be justified, except upon that of necessity? Let those, however, who plead that ground, come forward with proofs that the necessity exists. Such an idea is incompatible with the basis of a free constitution, which consists in equal laws; and though it may be necessary to admit some distinction of privilege, yet that four millions of his majesty's subjects should be debarred of the privileges

privileges enjoyed by the other classes of their fellow subjects, requires to justify such a privation the most strong, the most palpable, unquestionable expediency and necessity. In my opinion the remaining restrictions should not be allowed to continue a moment longer, and though it may not be requisite in my mind to look for any objections, that can fairly be urged against their request, yet it may not be ill timed to touch somewhat upon the nature of them. The first ground of objection which I have heard rumoured about, (I am sure, my lords, it will never be seriously brought forward by any of your lordships,) is of such a nature, that it can only be mentioned to excite surprise how such notions could ever be entertained. It has been somewhere said, that it was the nature of the catholic religion, that those who professed it could not be loyal subjects. Can that be true, my lords? Or if it be true, surely it follows that those whom their religion makes traitors, not only are not fit to be admitted to any participation of the privileges of citizens, but that they ought not to have been admitted to what they already enjoy. If such could be the influence of their religion over them, why should you admit them to swear in courts of justice? I know indeed that an endeavour was somewhere made to circulate an opinion, that it was impossible for any man to be a true and loyal subject as long as he remained a catholic. Where so blind, so monstrous a proposition could possibly spring from, it is difficult to conjecture, unless perchance it might have been rescued from some musty records of some councils of the church. In vain do the catholics deny that what they profess has any such tendency. They are told by their accusers, we know your religion better than yourselves. You swear you can keep faith with protestants. We bring them to the table to swear it, and yet after they are told their oath is not to be believed. We impute to them all the absurd doctrines which they never held, or have long exploded; and while we call upon them to swear, we deny that any credit is to be paid to their oath, because in some council, either of Lateran or of Constance, some such absurd opinion may have been started. Could such monstrous absurdities be listened to for a moment, not only should you not concede what the catholics now solicit, but you should immediately recall what has already been granted, and devise every possible means to drive them out of every well constituted government. Yet, if ever there were a shadow of ground for the existence of such notions, with what safety could any of your lordships

have gone to the capital of the arts, where that opinion might be supposed to have most powerfully prevailed? But there was no entertaining such absurd notions with seriousness. If the body of the Roman catholics and their loyalty are fairly brought under such an imputation, where was their defence to be sought for? To disprove such a charge I have only to turn to the statutes, my lords, to the declarations repeatedly made in the preambles of bills, passed in their favour by the Irish parliament. It was there again and again acknowledged, that the favours granted to them were the consequence and reward of their loyalty and exemplary conduct. True—but I may be told that their loyalty had been conspicuous down to the period of the rebellion. But surely nothing could be more unjust than to impute the rebellion to them as catholics. That more or less of the catholics may have been engaged in the rebellion may be true; for how could a rebellion rage in a country, three-fourths of whose population were catholics, without some of them having been engaged in it? Look to their conduct in the two rebellions which took place during the present reign; the object of them was to dethrone the present family, and to reinstate the exiled king. Yet look to the history of the times, and it will shew you that the catholics were engaged in neither, although the object was to reinstate a catholic king. Look also to the American war; did not the enemy then hover on our coast, and frequently threaten invasion? yet the loyalty of the catholics was not then questioned: so far otherwise, that arms were entrusted to their hands to repel the attack. I now speak in the hearing of many noble lords, who have been lords lieutenants and secretaries to lords lieutenants in that country, and I am bold to ask them, on what occasion have the body of the catholics been found disaffected to government? If this be the case, with what colour of justice can the late rebellion be called catholic? It must be universally known that the rebellion cannot be traced to that source, but to an unfortunate combination of the circumstances of the times, and of the country. Were the leaders of that rebellion catholics? Were they not united Irishmen, which denomination argued a co-operation of different sects? And were not the heads of that rebellion rather proved to be protestants? Indeed that event was wholly unconnected with religion, but had for its chief aim the overthrow of the constitution, and of the monarchy. If then the rebellion cannot be imputed to the catholics; if, on the contrary, the most distinguished among them were the most

most forward to run every hazard, to exhibit every possible symptom of the most ardent zeal, with what face can the guilt of the rebellion be charged upon the catholics; and how unjustly, on the contrary, is it advanced as a reason for depriving three-fourths of a people of the enjoyment of those privileges to which they may have the fairest claim? After such proofs in favour of their loyalty, of their attachment to their constitution, and their king, for so many years; after the testimonies paid to both by the declarations of the Irish parliament, will you rather believe the abjured doctrines on which they have been said to act, and which, if they could be supposed to listen to, would stamp them as a description of men disqualified by God and nature for all purposes of civil government?—But it has also been objected to the petition, that it is signed only by laymen, and that it is not attested by a single priest, but, on the contrary, that all the priests disclaim the doctrines it sets forth. This, notwithstanding, I can well assure you is by no means the fact. The only reason why it has not been signed by the catholic clergy is, that the objects it aims at are all civil rights, and that these clergy did not think themselves called upon to petition for what they were not entitled to. So far from it being true that the catholic clergy disclaim any thing belonging to the petition, it might easily be proved from the records of the courts of law, that their prelates have taken the oaths prescribed to them; and not only have they taken these oaths themselves, but it is well known that they have moreover exhorted their clergy to follow their example, who were found as ready to take the oaths as the laymen. But a still more convincing argument than all the rest has been said to be urged against the cause of the petitioners. It is argued, that the time is now come that the catholics must be all traitors, since the pope has been prevailed on to come to Paris to crown Bonaparte. They are all now bound to be willing subjects of France since the pope has consecrated him. Such trifling, my lords, it would surely be disrespectful to your lordships even to advert to, were it not too true that it is by the means of such monstrous absurdities, that attempts are made not only to revive the unfortunate animosities which prevailed in Ireland, but also to extend them to this country. No sensible man can for a moment suppose that such absurdities are intended to convince; their object is to raise a clamour and a riot, in order to prevent our doing justice to a numerous and respectable class of our fellow subjects. Is the pope more

connected with France now than he was in the time of the Bourbons, or is he more inclined to support the power of France than before? The contrary is known to be the case, and there is no man who rightly interprets his feelings, but must acknowledge that his feelings must be those of humiliation and mortification. His influence is certainly less than perhaps any of the pontiffs who ever filled the papal chair; and even were it greater, it could not have the tendency imputed to him, after his person and his religion have been so exhibited, and led captive in that most dishonourable and degrading transaction. Away then with all such unmeaning absurdities. So far from crediting them, they should only render us more vigilant to counteract the machinations of those who indeed prove themselves the true friends of Bonaparte and the pope, by making such attempts as are now made to excite and revive animosities which were gradually composing, and would soon subside into a perfect state of tranquillity. But we are again told, if you agree to the petition then you are bound to repeal the test act. If it be right to repeal the test act, do it whether it be proper or no to comply with the prayer of the petition; or if it be wrong to repeal it, then let not that prevent you from the consideration of the prayer of the catholic petition; surely there is no comparison between the two cases. These disputes have long subsisted in Ireland, and no mischief may have arisen from them; is it just to reject the catholic petition, not from any demerits of its own, but because another body may present a petition it may not be fit to comply with? What system must then be resorted to if you reject the petition and disappoint the hopes of so large a portion of the community; will you recur to the system of the reign of Queen Anne? After allowing the catholics the means of acquiring property, would you destroy the influence that naturally attaches to it? Would you thus make them aliens in their own country? Will you expose yourselves to be reduced to the wretched alternative of having a population without property, or property without the enjoyment of constitutional rights? I trust a wiser policy will direct your proceedings, and that moderation will beget a spirit which a system of restraint can never produce. If you favour the higher order of the catholics, you will have claims upon them that will induce them to exert all their endeavours to meliorate the spirit of the lower orders of their persuasion. You have already conceded much: where is the danger to be dreaded

dreaded from conceding what remains? A few catholic peers are anxious to have seats in parliament. What can you dread from their introduction into the legislature; or do you really believe that any practical advantage can be derived from excluding so small a number? By granting their request you would lose nothing yourselves, while they might appear to gain much; and what they gained in respect and consideration among the lower classes would enable them to exert an influence over them that might have the most beneficial tendency. From what motive can you reject their prayer? Can you be seriously apprehensive that if they come into this house they would attempt to persuade you to abolish the hierarchy? Would not the contrary be the course of their conduct? Would not every motive and consideration induce them to shew their respect and attachment to the government and constitution? The same observations may be applied to the few who might get into the house of commons—they would forward, but not obstruct the views of government. The attempt to frustrate the object of the petition, must finally prove a vain attempt; it will be found an attempt to resist what must at length take place. But what mischief has arisen from the introduction of sixteen peers from Scotland into this house, and of forty-five members from the same country into the other house of parliament? They have now been sitting in both houses for a century, and in neither has any individual of them attempted to persuade the country to substitute the presbyterian religion in the room of that established by the laws of the country. I may defy any noble lord to prove a single instance to that or any similar effect. On the contrary, has the government or the country ever met with more zealous supporters? Where then is the ground of alarm at the introduction of so far a smaller number of Irish catholics into the two branches of the legislature? What must be the real feeling impressed upon their minds, and upon the minds of the whole body of the Roman catholics, if you refuse to entertain their petition, or examine the nature of their pretensions? From what can they conceive that backwardness to arise to admit them to places of honour and trust, but from suspicion and distrust? and what sentiments can suspicion and distrust give rise to, but similar sentiments in their breasts towards you? But let us for a moment inquire, my lords, into any of the risks or dangers that might arise from admitting Roman catholics to the enjoyment of such distinctions. Let us again advert to the number of presbyterians

byterians who have filled such places. Have we not seen and admired the predecessor of the noble lord on the woolsack fill with dignity and credit to himself and advantage to the public the same distinguished situation; yet that noble lord was educated a presbyterian, as were many others, among whom I might name many of the judges, a master of the rolls, secretaries of state, and other high officers; were their attention or endeavours ever directed to any measure prejudicial to the established church? In like manner numbers of the same persuasion have been entrusted with high commands both in the navy and in the army; have done the highest honour to themselves, and rendered the most essential services to their king and country. But never did any suspicion arise, that from their religious tenets they would be inclined to take advantage of their power to the injury of our establishments in church or state? Why not give the same credit to the principles and integrity of the catholics? Can a hesitation to repose confidence in them arise from any thing but long rooted and unreflecting prejudice? or from equally unfounded and ungenerous suspicion? Have your lordships well weighed the consequences that must follow from the operation of such attempts to degrade and dispirit the minds of any class of men? Have you studied the difference of conduct under which men act who have high rewards and distinctions set before them to inflame their ambition, and animate their labours? How different would the views and the spirit of a student of the law be, if he could entertain no hope of ever reaching the high distinction of the learned lord on the woolsack? Does not much of his estimation of himself, and of the honour he attaches to his profession arise from that single consideration? Suppose for a moment that the students of Lincoln's Inn and of the Middle Temple exclusively possessed this great and animating prospect, and that those of the Inner Temple were debarred from ever entertaining such proud pretensions. Will your lordships bring yourselves to believe that all three could devote themselves with equal spirit and ardour to their professional pursuits? Must not the members of the Inner Temple feel themselves comparatively low and insignificant whenever they reflect on the comparative insignificance of the objects to which they are allowed to aspire? In the same manner may it be observed of those who embrace a military profession, either in the navy or the army. Could a young man, born to the indulgence of liberal views, and a liberal mode of living, ever
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be brought to endure the inconveniences, the hardships, and the many offensive circumstances that must attend the situation of a midshipman, did he entertain no hope of emerging from such a situation, and of attaining the envied heights of distinction and fame? and would a spirited and high minded youth ever bring himself to brook such a loathsome situation were he debarred from imagining that he might one day rival the glory of a Howe or a Nelson? If, in the army, a similar dispiriting distinction was to be made between two regiments, if the officers of the one were never to be raised beyond the rank of colonels, while the officers of the other might aspire to be generals and great commanders, how different must be the feelings and the spirit by which both must be actuated; they could not feel themselves, or be looked upon as the same race of beings. Apply, my lords, all the effects of such disparagement to the case of the Irish Roman Catholics, and your own breasts must tell you what works within theirs. You exclude them from all the high offices of the state; you forbid them to aspire to any high rank either in the navy or the army. How differently then must they feel from those whose views and ambition are checked by no such restraints; whose prospects are clouded by no such marks of inferiority? The sentiments that must be engendered by such invidious distinctions and preferences may be easily conceived. They must irritate the pride and fret the feelings of every high and aspiring mind; they must make him view his country and his rulers in a far different light, and with far different sentiments from those that swell the breast of the ever chosen race. What evil consequences must arise from such degrading distinctions may more easily be imagined than expressed. It must be impressed upon the minds of all your lordships how the Catholics must feel as men when they reflect, as often they must reflect, on their own ill-favoured situation. What can fairly be expected from men who are thus deprived of all the inspiring advantages that are held out to the rest of their fellow subjects? Can they reasonably be expected to be as ardent and anxious in the defence of their country, and its government, as those who are taught to expect much more marked favour and advantages? It were madness to expect it. And is it at a moment like the present that such discouragements are to be persisted in? On the contrary, is it not a time when under every aspect, and from every motive, the most cordial and conciliating efforts should be made to knit and bind together in the closest union every description of the community? Externally

ternally we are menaced by the most active and enterprising foe with whom we had ever to contend; with a foe whose power and resources cannot be contemplated without apprehension and awe. Under the serious apprehension of events that may arise, we are in the daily habit of calling down the blessings of union on our councils; and at such a moment, and under such circumstances, can we adopt measures, or act a part that proves us regardless of the best means of promoting and strengthening that unity of action and of council which we so anxiously implore? Can we hastily and contemptuously refuse to take into consideration the claims of four millions of fellow-subjects whose cordial co-operation must be so essential at such a crisis? It is to intreat your lordships' attention to all these circumstances that I have brought forward the motion with which I am now going to conclude; a motion, whatever may be its fate, I shall ever recollect with pride the honour and distinction I derive from having been the person chosen to introduce the subject of it. I have endeavoured that it should lose none of its effect from its having fallen into my hands, at least I have bestowed upon it the best efforts of my humble abilities. Under that conviction, I feel no small consolation, first in the consciousness of having discharged a great duty, and next, from the very kind and patient attention with which your lordships have honoured me while I was endeavouring to discharge it.—The noble lord concluded by moving the house "that they immediately resolve themselves into a committee to take the prayer of the petition into consideration."

Lord Hawkesbury—After the determination expressed by the noble baron who has just spoken, to treat the subject with all the temper and moderation which properly belonged it; I can only regret that he seemed, so early in his speech, to forget the recommendation with which he set out. The question, he said, *would* and *must* be carried, if not on this night, at least at no very distant period. This was holding out something like a menace to the house, calculated to defeat that temper and moderation, which the noble lord himself had begun by recommending.

[Lord Grenville here called Lord Hawkesbury to order, for having misrepresented him.]

Lord Hawkesbury then proceeded:—I certainly understood the noble lord to have used those terms in the sense which I have affixed to them: but if the noble baron only means that his cause must ultimately triumph by the force of reason and argument,

argument, I am equally ready to meet him upon that ground. In opening the business, the noble baron has not thought proper to explain to us distinctly the object of his motion for referring the petition to a committee. From the whole train of his reasoning, however, we cannot be at a loss to perceive that he does not propose to confine himself to the partial measure of remedying the complaints of the petitioners; but that his argument goes to the full extent of repealing and abrogating all the tests at present subsisting in every part of the empire. I trust your lordships are fully sensible of the magnitude and importance of such a proposition; I trust you will pause before you give any countenance to the first step of a proceeding which may lead to such alarming consequences.

Whatever difference of opinion I may entertain as to the merits of this petition, I have deprecated its being brought forward at the present moment: and I have great satisfaction in feeling, that, differing as I do, on this part of the subject, from some persons, whose vote this night will be dictated by the same general principles as my own, no efforts have been omitted by me to prevent this question from being agitated under the present circumstances. Similar exertions for the same purpose have been made by my noble friend who is at the head of the government of Ireland: but as all our exertions have proved ineffectual, as the catholics have been advised to press forward their claims on the attention of parliament at this particular period, contrary to their own interests, and, as I think, to a just consideration of what is due to the tranquillity of the empire; I feel it to be a duty to have no reserve upon the subject. I owe it to the country, to this house, to the petitioners, and to myself, to state distinctly my opinion on every part of this question; an opinion not hastily formed, but the result of some years consideration; an opinion founded on the most accurate observation, and the most diligent inquiry I have been able to make on the subject: and though I certainly think the present time peculiarly unfavourable for its agitation; though I am of opinion that the circumstances growing out of that time, would of themselves furnish a sufficient ground for resisting the proposition of the noble lord; yet my objection rests not on the time only, but is applicable to any time and to any circumstances under which this subject can be brought forward.

In stating this opinion to your lordships, it would be contrary to all the feelings I have ever entertained, and all the sentiments I have ever expressed, if I could be supposed to be

influenced by any motives of passion or prejudice towards the individuals who are principally the subject of this night's debate. In this view, many of the principles laid down by the noble lord would not be applicable to me, or to any of those who act under similar impressions. It has ever been my opinion, that toleration should be extended to all classes of religionists, and to all sectaries. It was a question much agitated about a century ago, by certain speculative writers, whether the evils which would result from the prevalence of infidelity, or from the influence of religious superstition and enthusiasm, would be likely to be the most destructive of the happiness of society? This question, if ever it was a problem, has been solved within our own experience. We have lived to see a republic of atheists established, for a time, in the very heart of Europe: we have witnessed the desolation which they have occasioned, and experienced in part the evils which they have produced. We must be sensible that the bigotry, intolerance, persecution, and cruelty of the most condemned systems of superstition and enthusiasm, are as clemency, moderation, and mercy, when compared with the same qualities in the atheists of France. With such an example before our eyes, we can no longer hesitate in believing that those who possess any religion, be it what it may, are to be preferred, both as men and subjects, to those who have none. Every class of religious persons, in this view, deserves the support, the toleration, and protection of a rational government: and of the different descriptions of christians, the catholics are not those in whom I have the least confidence; nor can I agree in any of the suspicions which may have been entertained, that the catholics are incapable of becoming loyal and dutiful subjects. I am convinced that many of the odious tenets ascribed to them, have never been substantially and in fact believed by them. I know by experience, both by their conduct in this country during the most critical times, by their conduct in Canada and in many other parts of the world, that they have proved themselves on many occasions most loyal and excellent subjects even to a protestant sovereign. But the question we have this night to consider, does not relate to their situation as *subjects*; we are deliberating upon a claim to political power. Civil liberty should be denied to no man, except upon the strongest reasons; civil rights ought not to be abridged, except upon the most urgent necessity: but the principle which ought to influence the distribution of

of political power, is not only not the same, but is in some respects the very reverse of that which ought to operate upon civil liberty. With regard to the one, the presumption is always against all restraint; with regard to the other, however wise it may be to extend it, it should always be extended with that degree of jealousy and circumspection which may enable us to guard against the abuse of it, and which may prevent its being made the instrument to destroy the very government, for whose protection and support it was alone created.

I am ready to admit, that no laws can be considered as perpetual, and that there must exist in every state a power somewhere, to revise, to modify, and even to abrogate the laws of the state, according as circumstances may render it necessary: but it has been the practice of every wise government to adopt certain elementary and fundamental laws, which might become a kind of landmark between the governors and the governed, and which, though they might be made the subject of revision and even of alteration, should not be changed, except on the strongest grounds, and on the most urgent necessity. The principles of the revolution, as established by the bill of rights and act of settlement, have always been considered as of this description. It is one of the fundamental principles of these laws, that *the king must be protestant, and must hold communion with the church of England*. The conduct of our ancestors at the revolution, has been a subject of admiration to all wise men and true patriots. The persons who brought about that glorious event were sensible of all the advantages of hereditary monarchy; they determined to depart no further from the strict line of succession, than the necessity of the case and the nature of the circumstances rendered indispensable: but in their prospective settlement of the constitution, as well as in their remedy of existing grievances, they had the courage and fortitude to consider the situation of the country in all its different contingencies: they put the question to themselves, whether the inconvenience arising from having a king of a religion different from that which was established in the country, or the evil of breaking in upon the order of succession, were the greater: and, with all their attachment to hereditary monarchy, they determined that it was more expedient to break in upon the line of succession, than to risk the consequences which might result from having a sovereign of a religion different from that of the country.

This law was not founded upon any speculative principles, nor decreed from any idea of imaginary grievances; but was the result of *experience*, and grew out of the evils which had been actually felt under a king who was of a religion hostile to that which was established in the state.

Now, I say, it follows as a necessary consequence of the limitation of the crown to persons of the established religion, that the same principle should apply to the immediate advisers, counsellors, and officers of the crown,—to those who dispense the favours of the crown, who are in some instances actually the delegates of the crown, and who must act in its name and by its authority. There may be shades of opinion as to the extent to which it may be expedient to apply this principle; but that it is true to a certain extent, and in a certain degree, must appear incontrovertible; for what could be more preposterous than, in a government of law, where the law is above the crown, to compel the king, under pain of forfeiture, to be of the established church, and to allow the ministers, the chancellor, the judges of the land, to be of any religion the most hostile to the establishment? If we were reasoning *ab initio*, the converse of this doctrine, I could conceive, might be maintained with much plausibility; I could understand its being contended, that any infringement upon the line of succession in an hereditary government was so serious an evil, and might be productive of such calamitous consequences, that it might be more expedient to incur the inconvenience of a king of a different religion from the religion of the country, rather than expose ourselves to all the evils which might arise from the possibility of a disputed succession; and that our security ought therefore to depend not upon the limitation of the crown in this respect, but upon a limitation against all those who hold the principal situations of trust and power under the crown: but it is impossible to conceive how the idea can ever be entertained, that where the hereditary principle is in question, you will actually violate it, rather than suffer a prince to sit upon the throne who is of a religion different from that of the state; and yet, where the hereditary principle does not interfere, nor any other principle which can in any degree be at variance with what is due to the security of the establishment, that you will suffer the servants of the crown to be of a religion the most hostile to that of the state, though their being so must be productive of as many and even more practical inconveniences than could

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arise from the king himself being in the same situation. The limitation of the crown, therefore, with regard to religion, would seem necessarily to lead to the limitation of the advisers and counsellors of the crown; and the principle with respect to the first could never be maintained, unless it were likewise extended to the latter.

In point of fact, the history of our constitution establishes the truth of this very course of reasoning. When, at the restoration, apprehensions and jealousies were entertained both of the presbyterians and Catholics, parliament began by passing the corporation act, principally directed against the former. They afterwards passed the test act, principally directed against the latter; no limitation then existing or being adopted with respect to the crown itself: and when the Duke of York publicly avowed his conversion to the Roman catholic religion, and a bill was in consequence introduced into parliament with a view of excluding him from the throne, it was professed by those who successfully opposed that bill, that they would agree to any limitation on the *exercise* of the power of the crown, though they would not consent to break in on the course of succession. The king made a declaration conformable to the same principles, the exclusion bill was rejected by this house, and it was not till after the country had the experience of the evils arising from a catholic king, that, in the *future* settlement of the constitution and the throne, the same limitation was extended to the crown with regard to religion, which had been *previously* imposed on the great officers of the crown, and on the members of both houses of parliament.

The adoption, therefore, of this principle with respect to the latter, was *antecedent*, in point of time, to the adoption of it with respect to the former; the importance of the limitation, in this instance, for the security of our establishment, appears to have been judged to be at the least as natural and essential as in the case of the crown itself; and the objections which were felt to apply to such a limitation on the crown, were considered truly as in no degree applying to a limitation on the offices of the crown.

I come now to consider what might be the practical effects of a removal of all these limitations and restrictions which our ancestors have adopted for the security of the constitution. These restrictions apply both to the dissenters and the catholics, but to the latter in a much more extensive degree than to the former. It may be material, therefore;

fore, in this place, to state what was the cause of this distinction. There are certainly some classes of protestant dissenters who differ from the church of England, on matters of doctrine, as widely as the Roman catholics; there are some who differ even more widely on the subject of hierarchy and church government; but there is this important distinction between protestant dissenters of every description and Roman catholics—the former admit that all ecclesiastical matters may be the subject of internal regulation; they acknowledge no foreign jurisdiction, they pay no foreign allegiance; the catholics, on the contrary, acknowledge a jurisdiction in a foreign power. I am aware that this jurisdiction is stated to be confined to spiritual and ecclesiastical matters; but it must be obvious to every person who has considered the subject, that it is impossible, in many cases, to separate civil from ecclesiastical power. In the catholic religion, above all others, the jurisdiction and authority of the priesthood interfere in a great part of the civil and domestic concerns of life. Let any person reflect how large a proportion of the property and civil rights of individuals must depend on the legality and validity of marriage; yet on this subject the opinions and practice of the catholics differ essentially from those of the established church. They consider marriage as a contract to be entered upon, in many cases, under different conditions and in different circumstances from those which are prescribed by the laws of the country, and, when completed, to be incapable of dissolution, on any account, by any human authority. The power to whom they appeal, on all those subjects where there is ground for doubt, is a foreign power, wholly unconnected with, and, in a greater or less degree, *necessarily* hostile to the state. Can there, then, be any doubt of the importance and solidity of the distinction between the Roman catholics and all other classes of Christians? Their obedience to a foreign jurisdiction forms an additional feature in their dissent from the establishment to that of all other Christians, and renders additional guards against them indispensable; but I say with respect to all descriptions of dissenters, would you intrust the patronage of the church, in its most important branches, to persons who consider your establishment heretical or idolatrous? Are you desirous of seeing the administration of justice in the hands of those whose religious opinions are, in most essential particulars, directly at variance with the law of the land? Would you be satisfied that the
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office holden by my noble and learned friend on the wool-sack should be conferred on a person of a religion hostile to that of the state? Remember, that, if religion does really operate upon the mind of man, it must operate far beyond all human considerations; that no pious man will prefer his temporal to his spiritual concerns; that if the religion and the state are distinct and at variance, and he is compelled to decide between them, he must decide for his religion, and against the state. It is not because I believe the catholics to be bad men, it is because I believe them to be honest and sincere, that I would exclude them from that power, which they might use for our own destruction. It cannot too often be repeated, that the question before us is not whether the catholics may be loyal subjects; not whether they should enjoy toleration, or obtain civil rights or civil liberty; but whether you will grant to them political power of *every description*, at the time when they refuse to acknowledge the *complete authority* of the state. Whenever this question has been discussed without doors, the only answer I have ever heard made to it is that, as long as we had a protestant king, there could be no probability of any of the offices in question being filled by any except protestants. But I ask, where is the security for this? *where*, but in the laws which it is proposed to abrogate? And if this were the case, what is the boon sought for, and why is there any eagerness to attain it? It would be to deceive both catholics and dissenters, if we should repeal these laws as a favour, and then refuse them the advantages which they have sought for and expected in their repeal. If the safety of the state requires a barrier, let that barrier be the law, and let us have courage and firmness enough both to avow it and to maintain it.

The question relative to the admission of Catholics to parliament stands, I admit, in some respects, upon different grounds from that of their admission into the great offices of state. The members of the legislature are not compelled by the law to hold communion with the church of England; and, powerful as each branch of the legislature is in itself, the personal power of the individuals who compose it is very different from the personal power of those who hold the great offices of state, or who belong to the council of the sovereign. But though the legislature has not enacted the same tests for the members of the legislature as for the officers of state, it has enacted some tests, and those of

of a nature very important. It has enacted for this purpose an oath of abjuration of the pretender; a test which at this time of day may not be considered as very essential, but which no class of christians has any objection to take. It has enacted a declaration against transubstantiation, and other popish articles of faith; a declaration most necessary at the time it was adopted, but which might be stated, perhaps with some degree of plausibility, to be a mere doctrinal test, and, though applicable to doctrines which are at variance with the religious opinions of the established church, not more so than many of the sentiments of certain classes of dissenters: but it has enacted the oath of supremacy; and I appeal to all considerate men, whether, as long as the catholics refuse to take that oath, it could be safe to admit them into the two houses of parliament. I desire it may be considered, what is the purport of the oath of supremacy: it does not call upon individuals even to declare his majesty head of the church, as he is by law; it calls upon them only to abjure all foreign dominion and jurisdiction; and as long as the catholics decline taking this oath, could it be consistent with the security of the state, to consider them as competent members of the legislature of a protestant and independent country? But in addition to these considerations, arising out of the importance of the tests themselves, particularly the latter, I am convinced it would be highly inexpedient for the interest of Ireland to repeal these tests, and thereby enable Roman catholics to become members of the legislature. In the first place, it would not satisfy them; and I should consider, that to add to their political power by means which would not satisfy them, would be the greatest degree of imprudence. In the second place, though it might benefit a few individuals, instead of being advantageous, it would be highly injurious to the great mass of the population of Ireland. In the year 1793, the elective franchise in the counties was granted to the Roman catholics of Ireland. This was considered at the time to be a great boon to them, not so much on account of the political power which it bestowed upon them, as because it placed the catholic tenantry upon the same footing with the protestant tenantry, and afforded therefore to landlords the same inducements to favour and conciliate the one as the other. The practical effect of it has, however, been to produce in the counties of Ireland something approaching very near to universal suffrage; as the law stands at present, no great inconvenience is, however, felt
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from this circumstance; they can vote only for a protestant candidate; and the great mass of property being in the hands of the protestants, the tenantry, according to the natural order of society, will generally follow their landlords. But I know it is the opinion of some of the persons best informed of the internal state of Ireland, that, if the doors of parliament were once thrown open to catholics, if catholics could once declare themselves as candidates in the different counties, the influence of the priests would be exerted in favour of the catholic candidates as such, and certainly against the protestants. The result would be, that the influence of property would be operating on one side, and that of religion on the other. Such a state of things would not only produce much internal confusion and disorder, but it would operate most injuriously with respect to the lower orders of the people, who would unavoidably, in many instances and on many occasions, become the victims of these conflicting interests. I am therefore clearly of opinion that, upon general principles, it is to the highest degree inexpedient to relax any of those laws which have been enacted for the security of the establishments of the country.

The noble lord has stated, that he could not see any thing in the present times, which could render it inexpedient to grant the prayer of the petition. As to this point, my lords, I view the subject very differently from the noble lord; I consider the circumstances to be so materially changed since the years 1800 and 1801, as to absolve from inconsistency any person who might have been disposed to support the measure at that period, and who may nevertheless be determined to oppose it in the present instance.

The French revolution, as I have already stated to you, was founded in part on atheism; it was calculated to occasion new and great dangers to Europe: the cause of civil society was at that time naturally and justly considered to be the cause of all religions, against those who had none. The circumstances of the moment induced many persons to feel an indifference respecting the subject of all former contests. To a certain degree, this change in our policy might be not only natural, but wise: but, as it repeatedly happens, in our exertions to avert the present danger, we were not at all times sufficiently considerate of the past, nor so attentive as we ought to have been to the future. However this may be, we have witnessed a great change in Europe within the last four years; the extreme of democracy has given place, as in the end it naturally

must, to the most arbitrary power which was ever erected in any country; and the person possessing that power has judged it prudent to reconcile himself to the pope, and to the church of Rome, as a support and assistance to his authority. Whoever considers the extent of the power of France at the present moment; whoever reflects, that almost all catholic Europe, with the exception of the dominions of Austria, is in subjection to France; whoever contemplates the absolute dependence of the pope on the will of France, and, what never happened in any former period, that there is at present no counterbalance whatever at Rome to the influence of that power; whoever gives due weight to the considerations arising out of the nature of the connection subsisting between the catholics of Ireland and the pope, and will attend to the circumstance that the catholic church of Ireland is under the control and superintendence of a college of cardinals at Rome, must be convinced, that there never was a moment more unfavourable for augmenting their political power. On every sound principle of reasoning, this could not be considered as a proper time for bringing forward such a claim. Those who do not agree with me in objecting to the measure on principle, should nevertheless wait for the result of the contest in which we are engaged; they should feel that this was the time, of all others, when it would be peculiarly hazardous to part with any share of that power, which, once parted with, it might never be possible to resume, and which, if abused, it might be beyond our own power to remedy.

I come now to the consideration of the practical advantages which would be likely to arise from these measures: and I cannot but feel, that we are called upon to sacrifice our laws for a benefit to a few individuals, but which would be likely to afford no advantage whatever to the great mass of the catholic population of Ireland. Every thing in that country has already been conceded to the catholics, which can interest the great body of the people. They enjoy the right of admission into all offices, civil and military; the right of franchise in their respective counties; and, in short, every right and privilege enjoyed by their fellow-subjects, with the exception of about thirty-eight of the first offices of state, and the admission into the two houses of parliament. Can we, then, really believe that they feel much anxiety on the subject of what remains to be given? I am fortunately in possession of the sentiments of some important authorities on this part of the subject. In the year 1798, several of the persons who were under the accusation

cusation of high treason, were examined before a committee of the lords and commons of the parliament of Ireland, and were permitted to banish themselves at the time of the peace, on condition of making a full disclosure of all the circumstances within their knowledge relative to the rebellion. I shall not allude to the evidence of that person, who but a few weeks before had been described to be the most virtuous and enlightened of patriots, but who proved himself on that occasion, by his own confession, to be the greatest of traitors;—I mean Mr. Arthur O'Connor. I am desirous of referring you to the evidence of persons both in talents and perseverance very much his superiors. The first is Dr. M'Nevin, a physician and a catholic; the second, Thomas Addis Emmett, a professed protestant, and a lawyer. My lords, the following questions were proposed to Dr. M'Nevin by the secret committee of the Irish house of lords:

Q. Was any ecclesiastical establishment intended by the new government?—*A.* No: I conceive that a revolution would of course involve the demolition of the church establishment, and of course a relief of the poor from tithes.

Q. Do you think the mass of the people in the provinces of Leinster, Munster, and Connaught, care the value of this pen, or the drop of ink which it contains, for parliamentary reform or catholic emancipation?—*A.* *I am sure they do not:* but they wish much to be relieved from the payment of tithes.

To Mr. Emmett, the questions, though not so pointedly expressed, were of a similar nature, and the answers are not less deserving attention.

Q. Do you think the mass of the people care for catholic emancipation, or parliamentary reform?—*A.* *I believe the mass of the people do not care a feather for catholic emancipation:* neither did they care for parliamentary reform, till it was explained to them as leading to other objects which they looked to, principally the abolition of tithes. They were also taught to consider that, when they became members of a democracy, their condition would be bettered.

Q. Was any ecclesiastical establishment intended by the revolutionary government?—*A.* None, certainly.

Why then I have a right to infer, as well from these authorities, as from the presumption of the thing itself, that, circumstanced as the great body of the catholics is at this time, they would not consider what you are called upon to grant, as any desirable boon or material concession to them.

The noble baron has said that, in acceding to his propositions, we should part with but little, and grant much. My view of the question is totally different; I am of opinion that we should give little, and risk every thing; that we should surrender that which would not "enrichen them, but might make us poor indeed." I believe that what remains to be given is *all*, because if given it *might* make the catholics the state. I am ready to give them every thing under the state, but I am not prepared, and, I trust, your lordships neither are nor ever will be prepared, to surrender the state itself into their hands. I have heard it said, since you have given so much, why not relinquish the remainder? I answer, you have hitherto only given them that which, however advantageous and beneficial it may be to them, is little taken from you, whilst you preserve what remains. The objection to your former concessions has been, not to the concessions themselves, but to the future advantage which would be taken of them; and that, were those once granted, they would tend infallibly to the conclusion which is now attempted to be drawn from them. Recollect, that you still hold in your hands the great offices of state and the two houses of parliament, and that therein are vested the power, jurisdiction, and sovereignty of the empire. Be firm in your present situation, and your establishments are safe: but every additional step you take may lead to the vital prejudice of the country. I would now ask, whether, if this measure were conceded, we really believe the Roman catholics would be satisfied, and whether we have any ground of confidence from past experience, that nothing further would be demanded, which it might be indispensable to refuse, and yet which must be refused, after this concession, with considerable difficulty and disadvantage. I admit that the petition on your table is drawn up, in general, in moderate terms: but the catholics even there insinuate that they are not very well satisfied with the substituted tests which they are now obliged to take; and when all the remaining restrictions are repealed, I should not be surprised if they demanded a repeal of the very tests, on the condition of taking which they have been hitherto relieved. But is this all? Let me appeal to the history of Ireland within the last few years.—In the year 1793, when a noble friend of mine was lord lieutenant of Ireland, the catholics presented a petition, in which they professed *specifically* to state all their grievances. Some opposition was made to the prayer of this petition by persons of great weight and respectability in Ireland:

land: but, in the end, ALL that they prayed for was granted. It was not till this had been done, that they stated, in an address of thanks presented to the lord lieutenant, in which they profess their gratitude for what had been accorded to them, that they considered it as a first step only to further favours, and expressed a hope that it would be followed by additional concessions. Such was the effect of your *last* concessions. Is it not important, therefore, to know, by what the present concessions, if granted, may be followed? Are there no questions behind *this*, which may be brought forward as soon as it is conceded? Attend to the evidence of Dr. McNevin and Mr. Emmett. Do they not tell you that, little as the Irish people feel interested in the present question, they feel a strong interest in the abolition of tithes? It has been a doctrine advanced within these few years by several persons dissenting from the church establishment, that no person ought to be bound to pay to the church of which he is not a member. This doctrine was adopted by many of the chiefs of the Irish rebellion: and I would ask the house, whether the argument of the noble baron, in favour of the concessions now proposed in consequence of the catholics being so great a majority of the people, might not be afterwards applied, with at least equal plausibility, to the question of their contributing to your church establishment?—What would be the consequence? Why; that, in making this concession, you would only change the ground of the contest, and, instead of contending with them on a question on which the great mass of the population cannot have, and have not in point of fact, any material interest whatever, you would have to contend with them upon a point on which all the passions, the prejudices, and the interests of the people would be naturally and easily embarked against you.

Believe me, the laws you are desired to repeal, are the out-works of your church establishment. As long as they are preserved, the establishment itself cannot and will not be assailed. Struggle, therefore, for them to the last; and remember that if you are there defeated, the contest is not at an end; you will only change the scene of action, and have to resist the enemy in a situation where his power of attack will be more formidable, and your means of defence much more difficult.

The expectation that concessions, as such, should lead to peace, is unfortunately contrary to the experience we have had in the history of Ireland. No man can lament, in itself,
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more than I do, the greater part of the penal code which was enacted against the catholics in the reign of Queen Anne: but there is one singular circumstance attendant upon the enactment of that code, and which deserves peculiar attention.—Though Ireland, from its first conquest to that period, had, with very small interruptions, been the theatre of rebellion and insurrection, yst from the time of the adoption of that code to the period of its repeal, during a long series of years, notwithstanding there was a new family upon the throne, possessing a disputed title to the crown; notwithstanding two formidable rebellions in Great Britain; Ireland remained in a state of repose and tranquillity; it was not till after the policy of concession had been adopted, that disaffection, insurrection, and, ultimately, rebellion, made again their appearance in that country. As I never could have approved of the principle of that code, I rejoice at its repeal: but though I approve of the repeal *in substance*, I doubt very much the wisdom and policy of the mode in which many parts of that repeal were effected; it does not appear to have been effected on any great and consistent system of policy by which the whole state of Ireland was brought under the consideration of government, and future dangers thereby foreseen and provided against, at the time that ancient grievances were removed: but concession seems to have been too often made to clamour, for the purpose of averting the danger of the moment; such concession led naturally to new demands; such demands have on some occasions been precipitately complied with; and the consequence has been, that discontent has been fostered and encouraged, and some inconsistencies have been introduced into the laws of that country, which it is impossible not to regret. Viewing the subject in this light, I cannot agree with the noble baron in attributing so much political wisdom to the gradual manner in which, in this instance, these concessions have been made: on the contrary, I discover no small inconvenience and mischief in the very circumstance which is the object of his commendation; I believe that the tranquillity of Ireland would have been better consulted, if, instead of the temporary expedients just described, a mature and steady view had been taken of the whole of its condition; if it had been deliberately inquired, what concessions might have been made without much hazard, and what ought to have been for ever refused: this being ascertained, it would have been the part of a liberal and enlightened policy to grant whatever the safety of the state would

would have permitted; and there would have been this convenience in such a proceeding, the deliberation with which the concessions would have been made, would have sanctioned the concessions themselves. At the same time it would have been a bar to further demands, and we should have been equally tranquil and equally safe in what we refused and what we granted. My lords, the conduct of myself, and of those with whom I have acted, will prove that we have been at all times friends to a mild and conciliatory exercise of the laws in Ireland: but whilst I state this to have been our opinion and our practice, I must be allowed to say that, I have formed a very erroneous judgment of the character of the people of Ireland, if I have not learned that that policy which in my judgment is most compatible with mild laws, namely, a *steady system of government*, is the best chance you can have for the internal peace and tranquillity of that country.

The maxims which I have adduced in support of our established laws, are neither new in themselves, nor confined to the country in which we have the blessing of being born; they are the maxims and principles which have been hitherto adopted by every free community of Europe, as well in ancient as in modern times. It has been till within these few years a principle uniformly recognised, that the state and the established religion of a country must be connected; and that those who possess political power in the former, owe a certain degree of obedience and homage to the latter.

If I look to the ancients, I find that, in the republic of Athens, no citizen could take a share in the civil administration, or enter upon any public office, before he had taken an oath that he would defend and protect his country and its religion, and that he would conform to the national worship.

In the republic of Rome, the great civil and military officers could only be appointed through the concurrent sanction of the established rights;—without the due performance of these, the appointments were not good, the parties were said to be *vitio creati*, and they lost their situations.

If I look to modern times, I find that, in the republic of Holland, the principal offices of the state could only be holden by those who professed the established religion of the country. In the government of Poland, (a limited monarchy in principle, however vitious it might be in practice,) the same maxim was entertained and acted upon. Similar principles will be found to have pervaded almost all the free governments of Europe: and I know not how I can better sum up what

what was understood to be the *system and practice of Europe* in this respect, than in the words of our glorious deliverer, King William; who, when applied to by King James, on the subject of indulgence to the catholics, made, through Mr. Fagel, the following answer:

“ Their highnesses ever had a profound submission to his majesty, &c. &c.: but since the matter that was then in hand, related not to the making of new laws, but to the total abrogation of those already made both by king and parliament, their highnesses did not see how it could be expected of them, that they should consent to such an abrogation, to which they had so just an aversion; *as being a thing so contrary to all the laws and customs of all christian states, whether protestants or papists, who admitted none to a share in the government or public employments, but those who professed the public and established religion, and endeavoured to secure it against all attempts whatsoever.*”

There are, I know, two most important exceptions, in recent times, to this policy: the first is to be found in the conduct of the national assembly of France, who proclaimed the equality of all religions; which was only a prelude to the destruction of every description of religion in that country. The second exception to this principle, is the system of the United States of America. I desire that any person who is disposed to hold out this system as a subject for imitation, would inform himself of the situation of that country; I desire that he would read the accounts of the different persons who have visited it within these few years. What will he learn from these accounts? why; that one of the circumstances that attracts the attention of every stranger who passes through this country, is the apparent indifference, in many parts of it, to all religion,—that the public worship appears to be neglected,—that the churches are suffered to be in ruin. Can such a state of things exist, and have no effect on the morals, temper, and dispositions of a people? Should, then, America in this respect be an example even for a *new community*? But can she be an example to a country like Great Britain, whose pride and glory it has been, whose pride and glory, I trust, it ever will be, to exist under a different system, and to have been fostered and supported under different principles? I know that the proposition of the noble baron has the approbation of some of the best and most virtuous of men; I know, however, that some of its most active friends will be found amongst those who have, on the subject of religion, no small degree of

of insensibility. If religion be necessary for the happiness of mankind, states must be in earnest about it, as well as individuals. The people of every country will look, and have a right to look, to *what* their civil governors *think*, and *how* their civil governors *act*. If they are zealous, if they are united, it will have a considerable effect in producing the same qualities in the community over which they are placed; if they are lukewarm, if they are divided, what can be expected from the people?

It has been said that the laws of Ireland, with regard to the different tests, are not in all respects similar to those of Great Britain; they certainly are not so: in some particulars, the difference arises out of the different circumstances of the two countries, and it may be wise and expedient to have established it in others. However, my own opinion is, that the principal difference has arisen from a want of a due consideration at the time in the parliament of Ireland: but whatever the difference may be, we must take Ireland as we found her at the union. If the independent parliament of Ireland has removed some few restraints which it would have been more prudent on *British principles* to have continued, we are nevertheless bound in justice and good faith not to re-enact them, unless some strong practical necessity should indispensably require it: but on the same principle I assert, that, if the independent parliament of Ireland antecedent to the union, judged it expedient to continue certain restraints as necessary for the safety of that part of the empire, we are bound likewise in justice and good faith not to repeal them, unless some unforeseen circumstances and great necessity should compel us to have recourse to such a repeal.

I have already stated, in a former part of that with which I have troubled you, that I was ready to admit that no laws could be perpetual; but there are certain laws so incorporated with the very existence of a state, that to attempt materially to affect them, may be replete with the greatest danger.

I consider the connexion which has subsisted between the church establishment and the constitution of this country to be of that nature: let us remember that if the church owes its existence to the protection of the state, the constitution owes not less its existence to the support it has occasionally met with from the church. In the reign of Charles the First, the party who meditated and ultimately accomplished the ruin of the monarchy, meditated at the same time, and equally accomplished, the ruin of the church establishment: they fell

together, and at the restoration they rose again together. In the beginning of the reign of Charles the Second, when the tide ran high in favour of monarchy, the only resistance which was made to that prince for some years, was made by the church party: and to their opposition at that time, we were indebted for the preservation of any part of our political liberties. I come then to the revolution: and let me ask any person acquainted with the history of that period, whether the zeal of the whigs for liberty could have effected it, if they had not been aided, seconded, and abetted by the zeal of the tories for the established church?

I call not therefore upon any one of the great parties into which this country has been divided,—I call upon them all, for support this night: I call upon the whigs, who have ever gloried in the lead which they took in the revolution of 1688, who have ever considered themselves as the principal promoters of the bill of rights and act of settlement,—I call upon them to support the system of King William, and the laws enacted under his auspices: I call upon the tories, the firm, steady, and persevering supporters of the monarchy and the established church,—I call upon them to maintain those laws which are the bulwarks of these establishments. The question between me and the noble baron is shortly this;—he desires you, for the reasons which he has stated, to repeal your test laws,—to repeal your corporation acts,—nay, to repeal the bill of rights, and act of settlement, in some of its most important stipulations. I implore you to cherish the laws under which you have lived and prospered, to cling to that policy which, in my conscience I believe, has made you what you are, and under which you have enjoyed liberty, toleration, wealth, tranquillity, beyond what ever was enjoyed by any country on the face of the earth. Avoid rash innovations, shun new experiments: the future destiny of our country is not in our own hands; kingdoms may rise and fall, flourish or decay; but let us not be ourselves the instruments of that blow which may occasion our destruction; let us not despise the wisdom of our ancestors, nor forget the dangers which they have averted! Let us reflect that all *past experience* and all *authority* is in favour of our laws, and that it is only by a steady adherence to that system which we have received from our forefathers, and a firm determination to transmit it to our descendants, that we can hope to exist with credit, or to fall (if we must fall) with honour. Impressed with these considerations, fully convinced that the proposition of the noble lord leads to the

the repeal of those laws which are the foundation of all our happiness, security, and prosperity; satisfied that the advantages which he expects to arise from the repeal of them, would not be gained, and that the best interests of the country would be exposed to the most serious danger; I deprecate his experiment: and I shall therefore give my negative to referring the petition to a committee.

The Duke of Cumberland—After the very able manner in which my noble friend (the Secretary of State) has explained to this house, reasons which, I trust, will induce you to reject the proposal of the noble lord, it will not be necessary for me to enter diffusely into this question. But when I reflect on what were the circumstances which brought our family to the throne, and when I consider what is the object of that petition on your table, it is impossible for me to remain totally silent. With respect to the circumstances which brought our family to the British throne, your lordships well know that they originated in the revolution. The great object of that revolution was to secure the religion and liberties of these realms. These objects were confirmed by the act of settlement, by the declaration of rights, by the oath of supremacy and abjuration, and by the succession to the crown in the protestant line. To maintain and uphold all these, our family was called to the throne. And whatever can militate with these principles, in the remotest degree, it is my bounden duty, as a member of that family, and as a member of your lordships' house, to resist. For this purpose, I must ask, What is the object of that petition? It is to enable the catholics to hold offices of trust and power in the state. Was it not to oppose such a system that the revolution originated? Was it not the very life and soul of that memorable transaction to secure the rights of church and state? Are we then, my lords, going to undo all that the revolution has done? Bear in mind, my lords, the scenes that preceded the revolution; they are strong proofs that the participation of equal power by catholics and protestants, is a thing incompatible with the principles of both. Are you not already convinced, by facts and history, that it is impossible for protestants and catholics to agree in the administration of political power? What then will follow if the catholics be admitted to the great offices of trust? You will soon see what, thank God, till now we have only read: we shall experience the same confusion and bloodshed which stained all the reigns from Mary, who began with granting them a dispensing power to hold offices

offices of state, down to James, who ended with the dispensing power in their favour. He hurled himself from the throne by conferring on them offices of trust and power, which afterwards drew down on them all the weight of penal laws: I am justified, therefore, in concluding, that there can be no boon more fraught with mischief to king and subjects conferred than that prayed for in this petition. Not only, however, the awful experience of past times, but the temper of the present times call upon us to pause, and to listen to the voice of the two great capitals of the empire, and of different counties in the united kingdom against this petition. We know, my lords, what are the feelings and sentiments of this nation with respect to the causes and consequences of the revolution. The memory of it is kept alive daily by the most solemn acts when men are called to undertake public and corporate functions. His majesty's subjects on such occasions swear to preserve his supremacy in ecclesiastical and civil matters. Does that petition acknowledge that supremacy in ecclesiastical matters? No! If then you surrender the power of the state to those who deny that supremacy, you do not maintain that supremacy, you virtually surrender it. Far be it from me, my lords, to shackle or to fetter the consciences of any men: but equally far be it from me to pull down by rash innovation any of the venerable pillars of the constitution. All that can be given consistently with reason and conscience I am prompt to give. But the constitution I cannot, *dare not*, WILL NOT give. I must uphold and support, with the last effort of my nature, the establishment in church and state, as the great step by which the house of Brunswick ascended that throne.

Earl Spencer, if he thought for a moment that the motion of his noble friend was likely in the remotest degree to injure the church or state, assured the house that there was not a man in the country who would not only be more unwilling to support it, but who would more strenuously oppose it than himself. If he thought that it went to invalidate the principles on which the Brunswick family came to and now possessed the throne, the idea would be abhorrent to his feelings; but he thought the manner in which his noble friend had opened the speech with which he prefaced it, completely obviated any such apprehension. He perfectly agreed with his noble friend, and the noble secretary of state who followed him, in the propriety of discussing this important question with perfect moderation and temper; but insisted, that this rule of conduct had been infringed by the noble secretary himself, who attributed

buted to his noble friend, and to the petition of the catholics of Ireland, sentiments of defiance and menace which the fact did not justify. The noble lord had endeavoured to prove, that the Roman catholics of Ireland paid allegiance to a foreign power. He wished to ask the noble lord where he discovered this? It was perfectly new to him. He knew that they considered the pope as their spiritual head, but he was pretty well assured that they did not recognize in him a civil governor. The published opinions of some of the most learned men among the Roman catholics disclaimed that, on which, to give a delusive weight to his argument, the noble secretary dwelt with such emphasis. If the fact were true, however, if it were incompatible with the safety of the church and state to allow to the catholics any civil power, why did not the noble lord vote for the committee, not for the purpose of granting to the catholics additional immunities, but to repeal those which they had already received in the present reign, and which, if the arguments of the noble secretary were good for any thing, seemed with danger to the country? The noble lord asserted, that before any concessions had been made to the catholics of Ireland, they were perfectly quiet, but that concession seemed to be the signal with them of turbulence. This was not so. It had been unequivocally proved that the late rebellions arose entirely from political causes, and had nothing whatever to do with religious subjects. "But," says the noble lord, "if you grant this, you will be pressed to grant more." Well! be it so; if the grounds of any additional grants that might be required were as good as those of the present, they ought to be allowed; and he could not admit the possibility of what the noble secretary seemed to wish to insinuate, that the most remote wish would ever be expressed for the establishment of a catholic church, or for allowing the crown to be held by any but a protestant prince. These, indeed, would be infringements on the fundamental laws of the constitution, which he would be as eager as the noble lord to oppose. The noble lord had laid great stress on the material change which he declared had taken place since 1801, in the consideration of this subject. What had that change been? That the French had again commenced the support of the catholic religion, and consequently that their influence over the professors of it in every nation would be considerable. For his part, he was not disposed to attribute much influence to their intrigues; but allowing them the full force with which the noble lord had clothed them, he would ask, what were the best

best means to render futile any attempts of the French to avail themselves of this additional power of making an impression in Ireland? The answer was plain: it was by a well-timed concession of indisputable right, to conciliate the affections of the people of Ireland, and thus to unite the whole kingdom in the determination to resist, to the utmost of their power, the desperate attacks of their common enemy.

Lord Sidmouth had the greatest inclination to grant the Roman catholics every privilege that was consistent with the freedom of the country and the safety of the constitution, as it was established in church and state; but to the extent stated by the noble lord who brought forward the motion, he could not conceive any circumstances in which there was a possibility that their claims could be safely admitted. He had heard the noble lord with admiration, as he always did when he spoke on any important subject; but when he recollected past times, he not only heard him with admiration, but also with astonishment. He recollected, when he acted with him, that he used every effort in his power to resist the repeal of the test act. He strongly opposed the petition presented on that subject, in the year 1790. He was sure, that if he opposed this *minor* proposition, much more ought he to oppose the *major*. He wished so far to state his concurrence in the declaration of his noble friend, that he was not inclined to call in question the loyalty and good character of the Roman catholics. He believed their intentions to be upright and sincere; but it was idle and vain to take the sentiments of the great body of the catholics from a few individuals who could only answer for themselves. Even these could not positively say what their sentiments and conduct might be under different circumstances. They might fairly and honestly, and with the best intentions in the world, pursue a line of conduct that might ultimately be attended with the most calamitous consequences to the country. He would not, therefore, place them in a situation, where their conduct, though perfectly well intended on their part, might be productive of such baneful effects. To any lengths of toleration no man could be more willing to go than he was; but the great object of the petition was to procure what was called catholic emancipation. That term, however, was improperly applied. There was no slavery here from which they were to be delivered. They had already been relieved from every thing that had any appearance of this nature. The granting of the prayer of the present petition would not satisfy them. This would only interest the mass of the people

people so far as might serve to pave the way for further concessions, in which they conceived themselves to be more nearly concerned. The effect, therefore, of yielding to the claims now made would be nothing else than exciting an expectation of obtaining more. The noble lord (Grenville) complained of the policy of our ancestors, which had been relaxed within the last twenty years; and he now complained of the rigour and impolicy of parliament, which continued the restriction that still remained, though these were the most important. But the history of the country clearly shewed that the measures adopted by our ancestors, though rigorous and revolting in themselves, were detailed and justified by the soundest policy, and the most absolute necessity. The noble lord then took a view of the proceedings under different reigns respecting the Roman catholics. There was no instance in the history of the country of the protestants and papists agreeing in parliament, and conducting business of government and legislation cordially together. Under the reign of Queen Mary, who, with good intentions, adopted such sanguinary measures, the popish interests gained the ascendancy in spite of the efforts of the protestants. The priests threatened those with excommunication who would not give their votes in favour of the popish candidates, and by those and other means the queen procured a parliament that seconded her endeavours to establish popery in this country. Under the reign of Elizabeth the massacre of St. Bartholomew took place. A conspiracy took place in Ireland that ended in the removal of the Marquis of Ormsby, and left the melancholy proof that many members of parliament were engaged in promoting the rebellion; and no less than forty-one members were expelled on that account, principally from the house of lords. In the reign of Charles II. the royal word was given, that no attempt should be made to establish popery; but that word was broken, and the high offices of the state were filled with papists; and when the Duke of York afterwards succeeded, an avowed Roman catholic, matters were carried so far, that the family lost the noblest possession than any family could possibly enjoy. After such experience as this of the temper and spirit of the Roman catholics, were not our ancestors justified in the precautions which they adopted against the recurrence of similar scenes? Under the reign of King William, that great friend to the liberties of Europe, as well as of this country, these measures were first adopted. After these measures of rigour took place, an interval of calm and tranquillity succeeded

ceeded in Ireland, which had before been almost constantly in a state of agitation, and continued even when rebellion arose in this country. The subsequent orderly conduct of the Irish led to relaxation of those laws under the present reign, as had been correctly stated by the noble lord. He was satisfied that this was a wise policy, as he was disposed to grant every thing to the Roman catholics, except political power. Their property and characters were already protected as well as those of any other of his majesty's subjects. The penal statutes had already been repealed, and the question was, whether we were to continue or repeal what remained. Since the laws respecting the catholics had been relaxed, it would be remembered that there had been two rebellions in Ireland, still he was not disposed to regret the concessions that had been made. We were desired to believe, that the effect of granting the prayer of this petition would be to produce gratitude in the people of Ireland. The great bulk of the people, however, were in fact but little interested in this business. We were told that they acknowledged only the spiritual supremacy of the pope. But it was impossible altogether to sever spiritual from temporal and civil affairs. Without mentioning indulgencies beforehand, dispensations, and absolution, what could we think of the power which the priests derived from auricular confession and excommunication? Lord Clarendon had preserved the liberties of his country by excluding the papists from a greater share of political power. He stated on authority that there was at this moment a consistorial court at Rome for the express purpose of managing the ecclesiastical affairs of Ireland. Whoever was acquainted with this fact, he trusted would not be disposed to grant the prayer of the petition. Could it be believed that the views of the Roman catholics did not extend farther? They certainly looked as the ultimate consequence to the destruction of the established church in Ireland, and the exaltation of the priesthood. It was therefore utterly impossible to grant the prayer of this petition without destroying the act of settlement and the fundamental laws on which the constitution rested.

Lord Mulgrave could not think that by any construction the petition could be considered as going to the lengths mentioned by his noble friend. Though he agreed that it was highly expedient that the members of a community should enjoy equal privileges, yet this was not their birthright, but must be governed by the laws. If catholics thought that a seat in parliament was necessary to emancipation, then the clergy and

and many of those connected with the revenue required to be emancipated. But he thought this a very improper time for the catholics to urge their claims, for at present circumstances were such, that a very general concurrence could not be expected. To bring forward a petition like the present could answer no purpose but to rouse religious animosities without any hopes of carrying their point. This operated rather unfavourably to their views, for it would teach him to act with greater caution than he would otherwise be disposed to do. This was not a petition adopted in consequence of any general desire on the part of the people.

Lord Holland, when he heard the eloquent speech of his noble friend who made the motion before the house, imagined that he had exhausted not only all that could be said in favour of the petition, but all that could be urged in objection to it. Some objections, however, had since been brought forward, which his noble friend could certainly never have divined. If the doctrine laid down by the two noble lords were once admitted, it would be found replete with calamities to the united kingdom. He had seldom agreed with his noble friend opposite in political opinion, and it did not seem likely that he ever should agree with him. The noble lords had either mistaken the meaning of the motion of his noble friend, or they were desirous to remove it as far as possible out of the sight of the house. The question really was, whether or not the claims of the Irish catholics deserved consideration; instead of speaking to which, the noble lords only said, that they would not go all the length of the repeal that was wished for. From the line of argument, however, which they had taken, they ought certainly to vote for the committee, that it might there be decided whether all the narrow, bigotted, cruel repealed laws against the catholics, the defence of which they had undertaken, should or should not be re-enacted. The argument against the measure divided itself into two parts, one against the general principle, the other against the time in which it was brought forward. For both of these the noble lord contended with considerable ability. He combated the observations of the noble secretary, who seemed to insinuate that the catholics wished to become little kings in the country. There might be many who thought that some of the objects

of the petition, though not all, should be complied with. It might be thought by some, for instance, that the catholics should be admitted to high official situations, but not into parliament. To give an opportunity for the suggestions of such noble lords the house ought to agree to a committee. As to the distinction attempted to be set up between civil rights and political power, he should like to know what security there would be for civil rights without political power. Would the noble lords say, that no political power was wanting to the catholics, and that their admission to parliament would not be a better security for their civil rights than that they now possessed? His lordship dwelt for some time on the hardships to which the catholics were subject by the restraints now in force, particularly in that profession of which honour forms the principle. He panegyricized the glorious character of William the Third, and defended it from imputations which, if admitted, would, he conceived, degrade the revolution. That part of his noble friend's speech, in which he demonstrated the impossibility of the catholics ever obtaining a preponderating power in the country, seemed to him unanswerable, although a noble viscount had expressed his apprehensions, that if this petition were agreed to, the state might fall into their hands. Such a thing would have been barely possible in Ireland and in the Irish parliament; in Great Britain and in the imperial parliament it was impossible. But the noble viscount seemed to think that we should refuse the present claim upon the justice of the country, lest any subsequent claims might be preferred. Were this doctrine allowed, the doors of the house might be shut at once on all complaints of grievance. The noble lord alluded to the secession of the chancellor of the exchequer from the cabinet on this question, and inquired how that right hon. gentleman and his friends would preserve their consistency. He had proposed it at a time of much greater danger from foreign enemies than what existed at present, and yet danger was one reason assigned for now resisting it. If ever there was a time when it became necessary to unite all hearts and affections in the common cause it was at this moment. It was not possible that so large a portion of the people as three millions should quietly remain in the situation in which they now are,

while

while their fellow subjects enjoy such superior advantages. The history of all countries contradicted such a supposition. To trifle with so large a body of men was a hazardous speculation. Were it once adopted as a principle, that the catholics of Ireland should never have their rights, the noble lord was apprehensive, that recourse must soon be had to coercion, a system he most earnestly deprecated.

Earl Camden had been extremely anxious to offer himself to the house, and had attempted it at an earlier part of the debate, as he stood in a peculiar situation with respect to the question at present under consideration, upon which, before he proceeded further, he said, he should vote against the house going into the committee moved by the noble Lord (Grenville). When he received his majesty's commands to repair to Ireland in the year 1795, and found the question of admitting catholics into the legislature of Ireland, he had thought it his duty to resist that measure to the utmost of his power, and had great satisfaction in thinking that he resisted it with success, as he conceived the measure would before the union have been attended with the greatest disadvantage, and even danger.

When the union between Great Britain and Ireland was happily effected, he confessed he thought he saw a moment when the same objections did not exist, and indeed was of opinion that it would have been expedient, at least, to consider whether such alterations could not be made in that code of laws which imposes disabilities on different classes of his majesty's subjects, with a view of entering into some general plan, as might, under proper provisions, admit every person complying with those provisions into all the privileges enjoyed by his majesty's subjects in general, without endangering the present church establishment, and he thought that such participation should have been extended to other sects as well as to the catholics.

His lordship expressed his opinion that such a measure might at the above period have been introduced with advantage, steps having previously been taken to conciliate the feelings of the learned professions, the law and the church: circumstances, however, took place, which induced Lord Camden to be convinced that it would not be expedient, at the time alluded to, to take steps even to ascertain if the measure were practicable, and of course that the measure itself could not

be introduced with any chance of success. Such was the opinion of those who quitted his majesty's service in 1801, and till the present moment it has not appeared that any of those persons have felt that the question could be brought forward with propriety; he was, therefore, yet to learn what there was in the present situation of affairs which could induce their lordships to consider the present an advantageous period for such a discussion. He was decidedly of opinion that in the present state of the feelings of the country, it was imprudent to agitate the question, for the sake of those very persons who are represented as desirous of having it brought forward. Although he did not see the danger in granting those privileges to the catholics which some persons did, yet he was fully persuaded that they could not at the present moment be granted without creating great discontent amongst other classes of dissenters as well as the members of the established church. He therefore deprecated the discussion, but if it must proceed, he had made up his mind to oppose going into a committee, not only upon the grounds before stated, but also as objecting to doing so for any of those purposes, which the speech introducing the motion represented as belonging to the subject, but to which the words of the motion and the general character of the noble Lord's (Grenville's) speech did not appear to lean.

The *Bishop of Durham*—I have made more than one attempt to address myself to your lordships' notice at an earlier period of the debate. An advantage will result from my want of success, both to your lordships and myself; that I shall not, at this late hour, from the length of what I have to offer, either trespass too long on your lordships' patience, or exhaust my own strength. I shall avoid a repetition of those arguments which have already been urged with much ability by those lords who have delivered their opinions.—

If ever there was a subject, the consideration of which peculiarly and imperiously called for temperate discussion and dignified moderation, it is that of the petition, which has been presented to this house by certain noblemen and gentlemen of property in Ireland, on behalf of themselves and others professing the Roman catholic religion.

After a period of religious difference and civil discord it is indeed of the utmost importance, that, in agitating a question like the present, we should be influenced by an increased anxiety to guard against every unfair or unfavourable impression

sion from recent injuries, or internal discontents. It is essential that we should resolve to preserve inviolate and sacred the principle of the establishment, and to extend that toleration, forbearance, and christian charity, which are its distinctive marks, to their utmost practicable limit.—*Religious toleration*, my lords, is the primary principle and peculiar characteristic of our established church. By the practice of it, we have been habituated to respect and revere even the errors of the conscientious christian; and we have been enabled to preserve harmony and good will, not only between protestant sects, but between every denomination of christians.

Under these impressions, my lords, I have attentively perused this petition. I have endeavoured to discover what extension of personal toleration is asked, that can be consistent with our civil and religious establishment; I have not considered what *they* would have given to us, but *what we could with safety give to them*;—not what we might in justice have refused, but what we could in kindness have granted, as the offering of affection and good will.

How far it has been our disposition to shew, not merely *toleration*, but real and active *beneficence* to persons differing from us in articles of faith, may have appeared by the reception and protection which this country has recently afforded to the French priests:—where to religious prejudices was superadded political danger; and when we had no security against the introduction of spies and enemies; nor any reasonable assurance that there might not be individuals among them, desirous of purchasing their return on almost any conditions which the usurped power of the French government might think proper to dictate.

In that instance we had also to encounter religious danger from the bigoted spirit of conversion, which characterizes their religion;—from the unfavourable sentiments which they had nourished from their earliest infancy, with respect to English protestants;—and from a peculiar species of domineering intolerance, which distinguishes the French from all other nations.—And yet these considerations, my lords, did not deter us from receiving them with all the warm charity of christians, and the liberality of Englishmen;—exhibited not merely by the higher orders in the hour of plenty, but by the poor and necessitous at a period of general scarcity.

If we could do so much, and do it so willingly, for foreigners and enemies, can it for a moment be supposed, that we are not

not prepared to shew every degree of warm and affectionate kindness to our friends and fellow subjects in Ireland:—can it be imagined that we shall not be ready to forget every difference of opinion, and to endeavour to promote their happiness and improvement, to the utmost of our power?

In looking to the welfare of the great mass of Roman catholics in Ireland, I mean that useful body of men which in every country must compose the most numerous class of its inhabitants, it will be wise and benevolent so to use the power which the constitution has placed in us, as a part of a protestant legislature, as to do for them individually *all* that (were the power in their hands) they would be wise in doing for themselves. In this view, my lords, it may be a subject for our consideration, how far we can better provide for the discharge of their religious duties, and how far we may with propriety assist them in that respect. We may inquire how far we can improve their temporal condition, by supplying the means and motives of industry, and by every exertion of kindness, which can promote their domestic comfort, improve their character, and meliorate their condition:—and we may endeavour to make a more general provision for the education of their children; not interfering with their religious tenets, but attending to their instruction,—to making them useful to themselves and to the community,—and to giving them the unequivocal advantage of religious and moral habits.

These, my lords, I looked to, as the objects of this petition. But what do I find in it?—Nothing in which the general mass of the Irish catholics is concerned;—nothing that is connected with personal toleration;—nothing that is to promote the social and domestic habits of the labouring class, or to improve their resources: nothing, my lords, that is to have a general operation in *bettering the condition* of our catholic fellow subjects in Ireland;—or that is calculated to do more—than to give certain privileges and influence to a very few opulent individuals among them. In short, my lords, this is not a petition for toleration, but a demand of power. It is a complaint, that the present system detaches from property its proportion of political weight and influence; and it asks of the legislature three things,—the right of sitting in parliament; of exercising corporate offices; and of being subjected to the burthen of acting as sheriffs of counties:—the first, comprising the functions of legislation; the second, the privileges of corporate franchise; and the third, the important

portant delegation of his majesty's executive power, in every county of Ireland.

These, my lords, are powers of no inconsiderable magnitude.—But before we grant them, let us at least pause, until we have ascertained how far their effects may extend; and whether, after such a concession, we shall, or shall not, be able to obtain toleration for our protestant fellow subjects in Ireland. Let us pause, until we have well considered the guards, which the English constitution has placed over our established church; and, while we sedulously grant every reasonable indulgence to the scruples of the conscientious, let us keep inviolate the barriers of our religious and political constitution, and preserve that *entire*, which can only be preserved by its *entirety*.

In the consideration of this subject, it will be necessary to advert to the superior number of papists in Ireland;—to the peculiar powers which their clergy exercise over the laity;—to the general connection of that clergy with a foreign power;—and to the degraded and servile dependance of the head of their church, upon a state extremely inimical to this country.—We must also advert to the irritation of recent hostilities; and not merely to the probable consequences to the Irish protestants, but also the danger to the catholics themselves; and, I may add, to the *indelicacy*, not to use a harsher term, of placing increased power in their hands, circumstanced and connected as they at present are.—It will also be important that your lordships should consider the consequences, as to other sects;—whether you can refuse to *any* Irish protestant, what you grant to *every* Irish catholic; and again, on what ground you can give to the Irish catholics, that which you withhold from the catholics in England; and where, and upon what principle, the line is to be drawn.

All this requires serious and mature deliberation. It must again and again be considered; and every possible effect and consequence weighed with the nicest and most attentive accuracy, and with the most patient continuance of labour, before a change so fundamental and unprecedented be adopted. For, my lords, if the bulwarks of our established church are in part removed, how will the other separated and insulated parts be protected? If while it is entire and connected, it is the object of attack;—if we have even now to exert ourselves in its defence, and to rally round the citadel, to avert the danger which threatens it;—what hope will remain to preserve it, in its broken and mutilated state?

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On these grounds, my lords, I conceive this petition to be inadmissible ; and I feel myself compelled to reject it, from a sense of duty to the established church ; which in my conscience I believe to be the best constituted church which the christian world ever saw ;—from a sense of duty to that civil form of government, under which I bless God that I was born and live ;—and from a sense of duty to my country.

Lord Redesdale observed, that a noble lord had stated the question as if it had been nothing more than whether the house should go into a committee. That was not the state of the question. It was nothing short of this, whether or not all that they claimed was to be granted them. The object of the catholics was to have all the honours and dignities of the established church. This must be granted them before their discontents could be removed, and then nothing would remain to be desired, but a separation from Great Britain. The church of Scotland was established by law, and concurred in promoting the general good ; but if the Roman catholic religion should be thus established, the internal peace which they enjoyed would not continue long. Besides, when any Scotsman was admitted to the high offices of the state, he was obliged to conform to the church of England, and satisfy the test act. This the Roman catholic refused, and desired the exclusive privilege of being admitted to the highest offices without any test. The catholic clergy professed themselves to be the true successors of the ancient bishops, and actually presented a petition to the house of commons in Ireland subscribing themselves with these titles, by these means offering an insult to the laws of their country. Their commands were enforced by excommunication, an abominable punishment. A clergyman of the church of England, from motives of charity, sent food from his own table to an excommunicated wretch who was starving in the streets.—He then submitted, that there was a great difference between the Roman catholics of England and the Roman catholics of Ireland. His lordship gave the history of both ; in the course of which he observed, that the catholics of England had, ever since the revolution, taken the oath to support the protestant succession, as limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being protestants. But the catholics of Ireland had been led by their priests to hold that oath in abhorrence. With these feelings the catholics of Ireland could not be expected to be very warm in opposition to any prince who professed the catholic

tholic religion, for how could they be so against a sovereign who professed the religion which they believed to be the true one? for this reason the catholics of Ireland had never been depended upon as friends to the protestant succession. But there was another difference between the catholics of Ireland and those of England; not in their religion, for that was the same in both; but in the influence of the court of Rome, and the conduct of the court of Rome over those who professed its religion. It was that influence and that conduct which made the people of this country separate themselves from the church of Rome, but that separation was not so entire in Ireland as it was in England, for reasons that were obvious. The general language used in Ireland until lately was the Irish language, and that was most unfavourable to the success of the established protestant church. In Wales, bibles were distributed among the people in the Welsh language; the people, therefore, understood both, by which they had long become very good protestants; but the service having continued in Ireland in the English language, a language not understood by the mass of the inhabitants of Ireland, they did not comprehend the service, and therefore they preferred the mass which they understood much better; they were therefore much more rigid in their adherence to the errors of the church of Rome, and had much less chance of being able to renounce them, than the catholics of England. He thought, therefore, that the catholics of Ireland were not fit for an equal quantity of power with the catholics of England.—There were 2400 parishes in Ireland, the benefices of which were reduced to 1100; 500 of them only had fixed residences, the remaining 600 had no fixed residences: out of 2400 parishes there were not many more than 1000 churches. In many parts of Ireland there were excellent livings, very much sought after, which had neither church nor glebe-house. But if we were to set about ameliorating the condition of Ireland, the only way to do so effectually would be to take proper means to propagate the doctrines of the protestant church, and if this were done, he had very little doubt that Ireland would soon wear a different appearance; provided another thing was also done—that of providing for the safety of such inhabitants as are protestants; for in a very large portion of Ireland there could hardly be said to exist such a person as a day labourer who was a protestant; no one person of that persuasion could expect to be otherwise than miserably treated by all his neighbours who were catholics. It was

true he had the sanction of the law for his profession, but in Ireland the laws were not enforced as they ought to be; there were many and deplorable defects in Ireland in that particular; and they were chiefly owing to the power and influence of the catholic hierarchy. It was the interest of that hierarchy (and they pursued that interest) to create a spirit of animosity in the people of Ireland against the protestants; the consequence was, that there existed among the mass of the people of Ireland, who were such catholics as he had stated, a general hatred against the English name; and an English government and tyranny, or an Englishman and an heretic, were with them synonymous terms; so that it was impossible, consistently with the safety of the protestants of Ireland, to grant the prayer of this petition. He would venture to say, that if the prayer of this petition were granted, the result would be, that except in part of the north of Ireland, and perhaps the capital of that country, no protestant would dare to live in it. This he had from information which could not be doubted; for a reverend prelate had told him that he could not keep one protestant servant, and much of this came under his own view. He knew that none of the protestant inhabitants of Dublin, who were parents, could get their children into the service of any considerable family, so that they were obliged to apprentice them out to handicrafts. Such was the disposition of the catholics, for whom this extraordinary indulgence was now asked, that none of the protestant children could find employment in the service of any considerable family in Dublin, and this was the case generally all over Ireland. Nor was this all, for no day-labourer could find employment unless he was a catholic. He considered this proposed measure of what was called relief to the catholics, as a measure so far from being likely to conciliate the people of Ireland, that it would have the effect, if agreed to, of driving out of Ireland all the protestants; for until the present hierarchy of Ireland should be in possession of all the ecclesiastical revenues of Ireland, it was not to be supposed that they would be contented, and having gone so far in asking, if they were successful, it was not to be supposed that they would not go further. In earlier days the catholic religion of Ireland might have been put on the same footing as that of England, and then the hatred to the protestants would not have subsisted as now it does; but they had proceeded on a wrong foundation, and had erred on the system of intolerance in their principles much further than the

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the catholics of England had ever done; they could not now, at least on the sudden, be brought back from those errors into which their hierarchy had led them. We must consider the Roman catholics of Ireland as persons who refused to submit to those laws and principles of reformation which had transformed this country from a catholic to a protestant country. They were now disposed in Ireland to resist the laws in that particular, and would continue to do every thing in their power to do so. They must, therefore, be dealt with accordingly, and under such circumstances it would be the greatest madness to put into their hands more political power than they possessed already. He admitted that this was holding out a melancholy prospect, but that he could not help, for it was truth exacted it of him; and although there was much force in the expression, that we ought to pay attention to the feelings of the great body of the people of Ireland who were catholics, yet it did not follow that we were to abandon the interest, and indeed the safety, of the protestants of Ireland, at least until the Roman catholics of Ireland shall put themselves in a different situation from that in which they are at present: until they should know how, like the catholics of England, to ask their priests and teachers, will you permit us to take the same oath as the catholics of England, they could not fairly or safely be trusted with that which the catholics of England enjoyed.—When they should be permitted by their priests to take the oaths in like manner as the catholics of England did, they might be put in the same state of independence, they might then be worthy of the benefits they now seek; but as long as they remain slaves to the power to which they are at present slaves, his lordship said, he was of opinion they are not worthy of what is now asked in their behalf. He had a great deal more to say to their lordships upon this subject, but he felt that he had already trespassed too much upon their time, and he should, therefore, say no more upon this occasion.

The Duke of Norfolk proposed an adjournment.

Lord Hawkesbury had no objection, provided it was understood the house should meet again the next day time enough to dispose of this question in the course of the evening; but if the adjournment was not proposed on these terms, he should feel it his duty to oppose it.

The Duke of Norfolk again submitted to the house the propriety of adjourning, without coming to any terms of compromise as to the time the subject should take up in future discussion,

discussion, or the time when that discussion should be renewed.

(Here there was a great cry of *Go on! go on! go on!*)

The *Lord Chancellor* said, that if the adjournment was carried, their lordships would understand that they should meet at an hour sufficiently early to go through with the whole before twelve at night, or decency would require another adjournment.

Lord Hawkesbury declared, that unless the motion for adjournment specified the hour at which the debate was to be resumed, instead of leaving that point indefinite, he should be under the necessity of opposing the adjournment.

The *Duke of Norfolk* thought that the regular way would be to put the question of adjournment generally in the first instance; if that was carried, it would be competent to any noble lord to move that it be resumed at any hour he might think fit.—(A great cry of *Go on! go on! go on!*)

The question was put by the Lord Chancellor for the adjournment, and from the voices, the not-contents were declared to have it, and the house was about to proceed to a division, but did not divide. The debate was then resumed.

The *Earl of Limerick*—My lords, exhausted by the excessive heat of the house, and by the very late hour to which the debate has been protracted, I own I regret that the proposed adjournment did not take place. Your lordships, however, will derive one advantage from my wearied state of mind and body, that I am totally unable to trespass for any length of time on your patience. I protest, with the utmost sincerity, that I was desirous to reconcile it to my feelings to give my vote on the present question, without addressing your lordships. The subject under consideration is one, to a person who thinks as I do, highly unpleasant to discuss, and to an Irishman, for many reasons not necessary to allude to now, it is one of peculiar awkwardness; I could not, however, satisfy myself to remain behind the shield of silence, lest my doing so should be construed into timidity or want of decision.

From much of what has fallen from several noble lords who have spoken in this debate, I am almost led to imagine that I have passed the greater part of my life in a dream; that Ireland, where I was born, and where I resided so many years, was not the kind of country I had considered it to be, and that all that had there passed before my eyes was merely a vision. The noble baron who opened the debate was pleased, in the beginning of his speech, to state, that the petitioners had suffered

ferred from *party violence* and *party prejudice*. I own I am at a loss to understand what the noble lord means; does he mean that the petitioners have suffered such violence and prejudice from their own parliament, now no more? If he does, I, having been a member of that parliament for many years, cannot help stating that the noble lord has so far been grossly misinformed: I am persuaded, from his known candour, that he would not have made such an assertion, had he not been strongly assured of its truth. What, my lords, do the Irish catholics mean to say that they have suffered from party violence and party prejudice from their own parliament? Turn over the volumes of the acts of that parliament since the year 1782, and you will in them find one continued chain of indulgencies, relaxations, grants of privileges, and admission of political rights, till at last little indeed was left to bestow. This assertion of suffering from party, however, explains a circumstance in the late transactions, which, I acknowledge, has considerably puzzled me. I was at a loss to conceive why Englishmen, almost unacquainted with Ireland, were selected by the Irish catholics to present their petition, passing by all their countrymen in both houses of parliament. Were there no two of them on whom they could rely, or from whose party prejudice and violence they had not suffered?

With great respect to the noble lords who have spoken, I cannot help thinking that much of what has fallen from them might well have been omitted. What was the necessity of painting the wretched and degraded state of Ireland during the long and gloomy period it suffered under the lash of the penal and restricting statutes? That time, thank God, has long passed away, and I think it would be more consonant to that temper and moderation which the noble baron who opened the debate made a profession of, and which the noble lord who sits near him appeared to me somewhat to depart from, had this part of the subject not been brought forward.

I will not follow the noble lord through the different objections he stated as likely to be made to his measure, because I have not heard them made by any noble lord on this side of the house. Who has stated the principles of modern enlightened catholics to be those entertained in the times of the first councils, or in the dark and corrupt ages of the Roman church?—who has stated the Irish catholics to be irreclaimable traitors, and therefore unfit to participate in the privileges and distinctions of the constitution?—I have not heard any thing of the kind fall from the lips of any noble lord; if there

there had, I should have been one of the first to contradict it. In truth, my lords, I cannot help thinking, with great respect be it said to the noble lord, that much of his lordship's speech was consumed in conjuring up phantoms for himself to buffet.

I will not enter into the abstract question, whether it be safe to remove at once all those guards and barriers which our ancestors thought essentially necessary for the preservation of our constitution in church and state. I do not think it necessary to declare an opinion, that the enlightened catholics of the present day do not entertain those principles of persecution of persons of a different faith, and of want of regard to oaths made to heretics, which had formerly made them objects of distrust and apprehension to protestant states; it would be idle to do so; nobody now entertains any such opinions.

I am well acquainted with many of the subscribers to the catholic petition, and I assert with confidence, that they are not excelled in character, in loyalty to their prince, and in attachment to the constitution, by any the most distinguished of the protestants. The noble lord (the Earl of Fingall) whose name stands second on the list, is one of the best and most distinguished characters the united kingdom can boast of.

I mean to confine myself merely to this part of the subject, namely, *whether this be the fittest time to bring the petition before parliament?* The noble baron asserts it is, and at the same time declares, that he esteems the moments he presented it and argued on its merits as the happiest of his life. I differ here from the noble lord; our opinions are far as the poles asunder. What, my lords, this the fittest time to agitate a question which rouses every passion, and calls into action every civil and religious prejudice; this the fittest time, when the united kingdom is assailed on all sides by the most formidable enemies, and when, at the moment that I am speaking, French emissaries are traversing Ireland in every direction, announcing an immediate invasion of that island, and promising to those who shall join them the establishment of their religion, and the property of those lands which they now hold as farmers?

But the noble lord says that any evils that may arise will be ascribable to those who reject the petition, not to those who bring it forward; that greater evils would have arisen from refusing to present the petition than any that can flow from agitating the subject; that the catholics called eagerly for its presentation. I lament I must again differ from the noble baron; I have some knowledge of that country, and, from every

every information I have been able to obtain, I decidedly assert, that the catholics were not anxious to agitate the subject now ; that they did not think the time opportune, or that they were *now* likely to obtain their objects. If my information is accurate, I believe it will be found that all the eagerness to agitate the subject was on this side of the water, and that the catholics were goaded on by representations from hence to bring forward their petition. I do not accuse the noble lord of being the person that spurred on the catholics. I know his public spirit and character too well to suspect, for an instant, that he would lend his great and distinguished name to so mischievous a measure. He knows that country too well, from his former high station, to hazard such a measure at this moment. I have not, however, the same good opinion of others: I do believe that there are men so desperate as to value at nought a general convulsion, if they can worry a minister by bringing forward a subject, in the discussion of which they conceive he may be embarrassed by former declarations. Why is our country to be made the arena on which contending parties are to wage war against each other ? Oh my unfortunate country ! are you never to be at rest ? I conjure the agitators of this measure to reflect ere it be too late : stir not a fire that is smothered but not extinguished ; the slightest spark may kindle into a blaze. Is it not sufficient that, in the short space of nine years, my poor country has been racked by conspiracies, disgraced by every crime contained in the roll of human wickedness, affrighted by invasions, and shaken to the very centre by civil and religious distractions ? Is it not enough that we have sacrificed our pride as an independent nation, and our importance and influence as individuals, to procure, if possible, for our distracted land the blessings of peace and security ? We embraced a union to protect us from ourselves ; make not what we considered and hoped would prove a measure of safety, make it not, I say, a measure of mischief and disquiet.

But the noble baron says, that the union is no union without this measure ; that without it we shall break faith with the catholics, who were induced to support the union by the expectations held out to them of the success of this measure ; that indeed the government made them no *promises*, but that all of us who supported the union, led them to entertain such hopes. I acknowledge that I did say to my catholic friends, that they would have a better chance of success *hereafter* from an imperial than from an Irish parliament ; that an Irish parliament

liament could never grant with safety what the united parliament might hereafter bestow. But I certainly held out to them no expectation of any early attainment of their wishes. I am not, my lords, one of those who think that in no time, under no change of circumstances, this measure ought to be granted; that the settlement of 1793 should be our *ne plus ultra*, that here we ought to make our stand. I profess not to understand what a *ne plus ultra* in politics means. Sure I am that no such principle is countenanced in the practice of our constitutions; its principle is to change as circumstances and times demand alteration. I trust and hope that a time may arrive when distrusts and animosities may die away, when the two parties may meet half way, and when religious distinctions may no longer disturb the state.

But, says the noble lord, grant the prayer of this petition and you will at once do away all pretext for disturbance, and you will at once become a united and a happy people. I have the misfortune again to differ from the noble lord. I do solemnly declare, that I do not think that, by granting the prayer of this petition to its fullest extent, you will advance one single step towards the tranquillization of Ireland. His lordship will not, I am sure, contend that it is necessary to bribe the catholic noblemen and gentlemen into loyalty, and as to the common people, I am persuaded it would not gain over a single peasant now tainted with disloyalty, and ready, at a moment, to join a French invader. No, my lords, seats in parliament and admission to the highest offices in the state form no part of the wishes of the Irish peasantry; were you to talk to them on the subject, they would not understand you. If you wish to conciliate those now inclined to join the French, I will tell you what you must do; you are the best judges whether you are willing to pay so high a price for their allegiance. Are you ready to sacrifice the national church by giving up the means by which it is subsisted? Are you ready to sink your revenue, by giving up all taxes upon spirituous liquors? and, last of all, are you ready to sacrifice the whole protestant and respectable catholic property of the country, by the abolition of rents, and the perpetual grant of their farms, to the present occupants? Such are the terms, I know, have been lately offered to the Irish peasantry by French emissaries, and if you mean to bid against them with any chance of success, you must not be outdone in the magnificence of your offers.

But the noble baron says, refuse the request of the petitioners,

tioners, and you give a handle to the disaffected to work on the passions of the multitude. I agree with the noble baron, it will do so ; and this, my lords, is the great objection to the stirring the present subject. If granted, it will not obtain your object, namely, the tranquillity of Ireland ; if refused, it may and probably will do much mischief. The bringing forward the petition can do no good ; it may do much harm. What is the reason of bringing forward the petition at this moment ? Why did not the noble lord bring it forward in 1801 ? I give him credit for not doing so ; the country was in danger ; it was no time to agitate a question that might create divisions and animosities. Why, if essential to the well-being of the state, was it not brought forward during the interval of peace ? Will it be answered that the public opinion was then against it ? Has that opinion since changed ? I firmly believe it still remains unaltered.

The noble lord says, the rebellion of 1798 was not a catholic rebellion, and therefore no impediment to the concession demanded. I have not heard any one state that rebellion to have been a catholic rebellion ; many of its leaders were protestants, or professed to be so. The present general of division in the service of his imperial and royal maj^{ty} the emperor of France and king of Italy, was ordained a deacon of the established church of Ireland by the father of the individual who has now the honour to address you. Others, like Emmett, were professed protestants, but were real disciples of the modern French school both in religion and in politics. I had the honour to be one of the secret committee of the house of lords of Ireland, before which those gentlemen made their confessions of treason. When asked whether the establishment of the catholic religion was one of their principal objects, they smiled and said that such an idea never once entered into their heads ; that they certainly made use of the pretext of the catholic religion, and of fanatical priests, as the best fire-brands to throw among the people to rouse them to rebellion ; that their objects were the establishment of a republic independent of Great Britain, and connected with, but not dependant upon France. A great proportion of the people in three of the provinces being catholics, of course the rebel ranks were filled with men of that persuasion.

The noble lord is wrong in stating, that where the rebel armies were strongest, it was in counties altogether catholic. The county of Wexford possessed great numbers of protestants, yet it was there the rebel troops were in the greatest

force ; it was there the greatest enormities were committed ; it was there I witnessed catholic priests bearing in their hands the sacred banner of the cross, the emblem of the mildest of religions ; it was there I saw them lead the infuriated rabble to pillage, to destruction of property, and to the murder of the aged, the infirm, women, children, in short, what was most distinguished, what was lowest in the community. I will not shock your lordships' ears by the disgusting recital. But the noble lord says it arose out of the unhappy circumstances of the country. I profess I do not understand what the noble lord means ; but if he wishes to convey the idea that the rebellion was produced by any oppression of the people, I must beg leave, with great respect to him, positively to deny it.

But the noble baron says, that the influence of the pope over the priesthood can be no objection ; he asks, do we think the pope is more hostile to us *now* than in those times in which we were at war with the Bourbon family. I certainly do not think he is. On the contrary, he cannot but wish well to any nation that opposes Gallic tyranny. But I think, nay I am certain, that the pope is the miserable puppet of the usurper of the throne of the Bourbons, that he dare not move but by Napoleon's command, and should he order him to influence the Irish priests to rouse their flocks to rebellion, he could not refuse to obey the despot. I ground this opinion upon his holiness being forced to anoint the usurper of the throne of the eldest sons of the church, from whose family she had derived most of her possessions. I ground this opinion upon the unfortunate old man being obliged to call upon the very respectable French bishops in this country, who had left all for conscience sake, to forget the solemn oaths they had sworn to the princes of the Bourbon race, and to take others to support tyranny and usurpation.

But the noble baron says, that if you admit catholics to seats in parliament, their numbers in both houses must ever be so small, that no danger can possibly occur to our present establishments : I agree with the noble lord, that as long as there is a protestant king on the throne, there is little danger that any danger can accrue from their numbers in this house ; but I positively assert, that, in the other house, it is possible that their numbers might be considerable. The present representation of Ireland is almost altogether sent to parliament by popular elections. Since the right of voting has been granted to catholics, the manufacture of freeholders has thriven so rapidly, that there is now scarcely a peasant who
does

does not swear himself possessed of a forty shilling freehold. The *numbers* of the Catholics has been allowed by all sides.

It will be conceded to me, I am persuaded, that the catholics have hitherto acted in a body: why have they done so? Because they had common objects. The same causes will probably produce the same effects: if catholics get admission to seats in parliament, it is possible that, in some time hereafter, they may wish to obtain some great catholic object. What is to prevent their leaders from pressing upon the lower orders the necessity of electing catholics only, and, if they succeed to a considerable degree, it is natural to suppose that, having a common object, they will act together in parliament. I will suppose a case that certainly does not exist at present; I will suppose that, at some distant day, a struggle of parties may take place, that the parties may be pretty nearly balanced; what if then the catholic representation, acting in a mass, should offer their assistance to that party which should favour their views? Ministers may wish to cling to their situations; opposition *per fas aut nefas* to obtain them. I am apprehensive, as long as human nature remains unchanged, that the resistance to their wishes would not be very strong.

The noble baron (Lord Holland) says, that for want of catholic sheriffs, catholics do not in many instances enjoy the benefits of the trial by jury. I never heard that juries failed in doing their duty, without distinction of party, except when they have been deterred by the terrors of assassination. That noble lord says they suffer hardships from being excluded from the army. They are only excluded from the commissions of commanders in chief and generals on the staff. His lordship, however, now says that I am mistaken; that when they come into this part of the united kingdom, they are liable to penalties for serving. I beg leave to differ from his lordship. By the law passed previous to the union, they are allowed to enter into the army, and by the union all acts not then repealed are confirmed and sanctioned. But the noble lord says, that four millions of people neither can, nor will, nor ought to submit to such restrictions. I entreat the noble lord to pause before he gives the weight of his authority to such an opinion. What, that because they are numerous they ought to resist the law? I am sure on reflection his lordship will not adhere to such an opinion.

I had nearly forgotten a principal point I had intended to press on your lordship's attention. Both sides of the house, in considering this question, seem to me to have forgotten

that the catholics are not the only body to be consulted on this occasion. Are the feelings of the Irish protestants wholly to be left out of consideration? I believe they are almost entirely adverse to the concession. Respect, I entreat you, the feelings of that body, ever true to their religion, faithful to their king, and enthusiastically attached to British connexion. Descended from yourselves, in fighting valiantly their own batties, they have served your interests, and have prevented by their exertions that fair and beautiful island from being torn from the British empire. In seeking new friends, whom possibly you may fail to conciliate, neglect not your old ones, but remain firm to those who have in the worst of times remained firm to you.

I beg pardon for having so long detained your lordships, and for having, from excessive fatigue, laid my thoughts before you in a manner less connected than I wished to have done. I shall oppose the motion for going into a committee on the petition.

Lord Carysfort considered the question of immense magnitude and importance. He had a great deal to submit to their lordships upon it, but thought the hour too late for that purpose, and therefore suggested the propriety of an adjournment.

The *Marquis of Buckingham* was in the same predicament as the noble lord who had just spoken, having also much to say to their lordships if there was a seasonable opportunity for that purpose.

Lord Grenville submitted to the house the propriety of not proceeding further the present evening.

Lord Darnley wished to address the house also, but thought it too late. He appealed to noble lords opposite to him, whether there was not an understanding before the debate commenced that there was to be an adjournment?

Lord Hawkesbury explained the terms on which he had been willing to adjourn the discussion, but the house would now judge for itself, for he would not urge any thing further on the subject, the hour being so late, and so many noble lords desirous of delivering their sentiments.

The Earl of Derby then moved, "That this house do now adjourn to Monday next"—which, after a few words in support of it, was, at a quarter before three o'clock, agreed to.—Adjourned to Monday next, at four o'clock.

HOUSE

HOUSE OF COMMONS.

FRIDAY, MAY 10.

Alderman Anderson brought up the report on the petition of the vintners' company, which stated that they would sustain loss by the London docks. The report was ordered to be referred to a committee of the whole house.

A petition was presented from the corporation of St. Alban's, congratulating the house on the adoption of the resolutions moved by Mr. Whitbread on the tenth report.

SHERIFFS OF MIDDLESEX.

Mr. F. Fane moved, that Sir William Rawlins and Mr. Albion Cox should be brought to the bar for the purpose of being reprimanded and discharged. They were accordingly put to the bar.

The Speaker addressed them as follows :

" Sir William Rawlins and Robert Albion Cox,

" Your conduct having undergone the severe but just animadversion of this house, followed by a sentence of ignominious imprisonment, it is fit to be understood by you, and by all men, what this house has considered to be the character of your offence, and upon what grounds you are this day to be liberated.

" The sum of your offence is this : That you, being the sheriff and returning officer, did, at an election for the county of Middlesex, for the purpose of giving a colourable majority to one candidate in prejudice of another, wilfully, knowingly, and corruptly admit fictitious votes upon the poll ;—that your inconsistent and contradictory practices afforded the greatest encouragement to perjury ;—and that you refused to examine the validity of votes by reference to the land-tax assessments, in defiance of the laws of your country.

" Graver offences than these cannot be laid to the charge of any men holding the high office with which you were then invested ; an office to which you were raised by the free choice of your fellow citizens in the metropolis of this empire, and of which office you betrayed the most important duties ; violating at once the freedom of elections, the privileges of this house, and the just constitution of parliaments.

" Upon these charges, established by ample and conclusive evidence, you were committed to his majesty's gaol of Newgate, the common receptacle of malefactors, there to remain prisoners, amongst those over whom you had been magistrates ;

trates; a signal proof of the power and the justice of this house, an indelible disgrace upon you, and a memorable example to others.

“Nevertheless, it appearing now, by your petition, that your minds have been humbled to a due sense of your misconduct, and that your errors may be in some degree imputed to the ignorant or criminal advice under which you unfortunately acted, this house is willing to believe that the ends of justice are at length satisfied; it has therefore consented that you be now discharged. And you are discharged accordingly; paying your fees.”

Ordered, on the motion of Lord Marsham, that Mr. Speaker's speech be printed, and inserted on the journals.

Mr. Leicester informed the house, that the house of lords had been waited on with its message, requiring the attendance of Lord Harrowby to give evidence before the select committee, to which their lordships replied, they would send an answer by messengers of their own.

The house then proceeded to ballot for a select committee, to inquire into the several papers presented to the house respecting the repairs of the Romney and La Sensible, whilst under command of Sir Home Popham in the Red Sea.

A committee was appointed to examine on whom the ballot had fallen, according to the lists put in the glasses.

EARL ST. VINCENT.

Mr. Jeffery said, he rose in pursuance of the notice he had given, to have the honour of submitting to the house a motion for the production of several accounts relating to the naval department of the country, during the administration of Earl St. Vincent. Having read the motions on a former night to the house, and being of opinion that some time should be taken to deliberate on their contents, he now rose to submit his motions to the consideration of parliament. He was persuaded when the accounts were laid upon the table, and perused by the members, that he would be borne out in the view which he had taken of the subject, and the intention for which the accounts were brought forward. He would not trouble the house with any further observations until he heard whether his motions were opposed, or met with the approbation of the house. He therefore should, without obtruding further on the patience of Mr. Speaker, move, That there be laid before the house the number of line of battle ships and frigates, launched from the 1st of January,

1803.

1803, to the 31st of December, 1804, distinguishing those launched from the royal dock yards, and those launched from private dock yards.

The *Chancellor of the Exchequer* had no objection to the proposition. He had been shewn a long string of motions by the hon. member, two of which only he considered exceptionable. The first was, that relating to an intended secret expedition in June, 1804, and copies of a correspondence relating thereto. The other motion was that which adverted to the procuring of foreign timber. He thought such disclosures injurious to the public service, and particularly the latter, as the enemy might throw embarrassments in the way that might be prejudicial to the navy.

Sir John Sinclair entertained great doubts with respect to the propriety of bringing forward the long list of motions which the hon. gentleman stated on a former night, as they embraced almost every branch of the naval service of the country. He submitted if, at this late period of the session, it were advisable; and he would be glad to know from any gentleman conversant with the official business of the board of admiralty, if these accounts could be prepared without distracting its attention from the other important concerns, in which, at this conjuncture, they are engaged. He understood, if these motions were agreed to, the friends of Lord St. Vincent would move for other papers, which would still embarrass the public business. He was desirous to be informed, if, at any crisis like the present, the lords of the admiralty could peruse the voluminous accounts moved for by the hon. member, without material injury to the public service in the present state of the country? He was of opinion that the preparing the accounts would be attended with manifest inconvenience, and would answer no good purpose whatever.

Mr. Jeffery considered the observations of the hon. baronet premature, as he could not know whether the accounts would lead to inquiry or not. He would not contend, if any thing criminal occurred in the administration of Lord St. Vincent, it should be passed over, and that an inquiry into his conduct ought not to be instituted. He declared, on his honour, that he did not act through party motives, he was an unconnected individual, not belonging to any man or set of men; his conduct arose from his feelings for the situation of the country, and his knowledge where the faults were imputable, with respect to the administration of Earl St. Vincent.

cent. The reduced state of the navy he attributed to the noble lord, and if inquiry was to be dispensed with the present session, he knew the difficulty of obtaining inquiry hereafter. He knew he had undertaken an herculean task in the first instance, but he had cogent, ample, and sufficient reasons for bringing the measure before the house. He trusted that no member would object to his motions, that parliament might decide whether inquiry was or was not necessary. He moreover trusted that no gentleman would be against the production of the papers, until they knew what they contained. They were neither as voluminous nor as intricate as some members might imagine; and he pledged himself that they could be produced in a week or ten days, without giving any extraordinary trouble to the lords of the admiralty in perusing their contents. He thought them absolutely necessary to be produced, as he would take upon him to prove, that Lord St. Vincent was the greatest enemy to the country and the navy of Great Britain that ever lived.

Mr. Tierney was not against the production of the papers, as he was convinced that every inquiry would operate to the honour and renown of the noble earl. The hon. member was not content with attacking the conduct of Lord St. Vincent, but also delivered a philippic against his character, by declaring him the greatest enemy to the navy and his country that ever existed. He had declared himself unconnected with any party, and he was therefore surprised to find him bring forward a long string of resolutions to annoy the noble earl, without any co-operation with those who were the best informed on the subject of naval affairs. If unconnected with party, he was amazed, and indeed it was rather extraordinary, that the hon. gentleman should move such a long string of resolutions, whereby the noble earl was deprived of the means of defence. During a lapse of twelve months, he was surprised that the unconnected member had never before taken an opportunity to inform the house of his boasted knowledge of the naval administration of Lord St. Vincent. If he had not declared himself an insulated individual, he would have supposed that the unconnected member's conduct on the present occasion savoured of revenge; but not being a party man, he certainly was not subject to such an accusation. Surely he could not be aware of the danger arising from his motions, and it would have been more correct if he had consulted on the business some gentlemen in office. He had accused the noble earl of being the worst enemy to his

his country that ever lived, but he denied him the opportunity of convincing him to the contrary. If an inquiry was necessary, let every paper relating to the transaction be referred to a secret committee, for there was nothing which the noble lord courted more than a full, fair, candid, and impartial investigation into his conduct, as he was convinced that Earl St. Vincent could justify himself against every charge that might be brought against him. The unconnected gentleman might rail, but the country was convinced that the noble earl was one of its best friends. He indeed had the crime in some men's eyes of finding out some of the worst enemies to the country that probably ever existed. He expected that the chancellor of the exchequer would offer some opinion as to the present proceedings; he had, however, briefly stated, that he had no objection to the long string of motions which the hon. member had to propose, except two. He was surprised to find Earl St. Vincent had not protection in the house from those who co-operated with him when in office.

The *Chancellor of the Exchequer* observed, that the hon. member had addressed him particularly on the present occasion, and charged him with agreeing to the motions as a matter of course. He did not conceive how he (Mr. Pitt) should be called upon more than any other member to account for the conduct he had pursued. He was desirous to know the nature of the papers called for, and did not give a premature acquiescence to their production. It was within the recollection of the house, when the motions of the hon. member were first submitted to the house, that he took time to consider whether it was proper or not that they should be produced. He required time to consider, whether their production might or might not be injurious to the public service. He conceived that two of the accounts proposed to be moved for would be improper to be made public, and he had given his reasons accordingly. The hon. member complained of the want of protection for the noble lord; he was willing to give him every protection, to procure for him justice by candid and fair investigation. He had always expressed his gratitude to Earl St. Vincent for his professional conduct; but he was free to confess that he was hostile to his official conduct; he had repeatedly expressed that opinion, and he found no reason to forego it on the present occasion.

Mr. Jeffery explained. He declared that he had acted totally independent, and had no other communication with the

Chancellor of the Exchequer than merely to submit his motion to his consideration.

Mr. Grey, on the part of Earl St. Vincent, courted inquiry. He thought the hon. member who made the motions acted rather inconsistently in urging the house to agree to his motions, and then to disagree to them after being produced. 'This was something like the judge, who said he would not suffer a witness to open his mouth until he heard what he had to say. *Mr. Grey* agreed with what had fallen from *Mr. Tierney*, but objected to his idea that Earl St. Vincent wanted protection.

Mr. Tierney explained. He said, what he meant by protection was, that ministers should not, at this late period of the session, suffer such motions to be brought forward, and had no reference in his observation to the particular friends of the noble earl.

Mr. Wilberforce agreed with the Chancellor of the Exchequer, that the gratitude due to Earl St. Vincent's professional character, should not be a bar to the consideration of his official conduct. 'The accounts should comprise the administration of Lord Chatham, when the navy was placed in the condition which laid the foundation of its future glory; and even the administration of Lord Sandwich, when it had received a great addition. He thought the motion could not be considered as hostile to Earl St. Vincent, but rather as directed to obtain information highly material to the public interest. He condemned the contemptuous language with which a right hon. gentleman (*Mr. Tierney*) had spoken of individuals connected with no party. He was jealous on this point, as he was aware he himself would be frequently classed with this description of members. If it appeared that the ships were not so numerous in Lord St. Vincent's administration as those before it, and that the short and feverish peace we had enjoyed was not employed to prepare for a war that must have been easily foreseen, it was fit the blame should be cast where it ought to be; he alluded also to the mischief of interfering with the authority of captains of ships, as the depreciation of the respect paid to them may lead to the alarming state of things in the navy which every one remembered with so much pain. He pronounced a high panegyric on the merit and talents of the present first lord of the admiralty.

Mr. Curwen thought it not right to anticipate the contents of the papers, or to make inferences from them before they were

were produced. If there was any thing wrong in the naval administration of Earl St. Vincent, a distinct charge ought to have been brought against him by the administration that had succeeded.

Mr. Bastard argued, that in the present relative state of our naval power, and that of the enemy, inquiry into the causes of our inferiority was most necessary. He thought it *prima facie* in favour of Lord St. Vincent, that the state of things was far different during his administration.

Mr. Ward censured the language of the hon. gentleman (*Mr. Bastard*), who represented our naval power as inferior to that of our enemies.

Admiral Markham disclaimed for Earl St. Vincent all protection but mere impartial justice. He loved Lord St. Vincent much, but his country more, and therefore he wished for the inquiry at all events, though he was sure the result would be to Lord St. Vincent's honour. He trusted that no limitation but that of the actual commitment of the public interest would prevent the granting of all necessary documents, particularly those necessary to the defence.

Sir W. Eford considered the motions as mere statements of facts which could hardly be detrimental to the public.

The motions were then agreed to (*Sir John Sinclair* still persisting in his objections), with the exception of the specification of the state of the navy in June 1804, on the retreat of Earl St. Vincent from the admiralty; and the correspondence between the admiralty and the navy board as to the means of obtaining supplies of foreign timber, which were objected to by the Chancellor of the Exchequer, as likely to convey to the enemy intelligence that may be turned to our disadvantage, particularly with respect to the supplies of foreign timber.

In answer to some observations of *Mr. Gray*, the Chancellor of the Exchequer said, he had no objection to the disclosure of the quantity and quality of the timber in the yard at the time.

Mr. Wilberforce expressed a wish for the production of this information.

Mr. Dent moved, that there be laid before the house an account of all officers, from the rank of lieutenant inclusive to that of post captain, promoted from 1795 down to the close of Earl St. Vincent's administration, with a view to shew that with fewer ships than his predecessor that noble lord had employed more officers.

Admiral Markham spoke in terms of the highest panegyric

of Earl Spencer's naval administration. It was usual to make large promotions at the close of a war, and on the gaining of victories: and on both these grounds the promotions made by Earl St. Vincent would be justified.

The motion was amended so as to include Lord Chatham's naval administration and that of Lord Melville, comprehending from the commencement of the late war in 1793, down to the latest period.

CORN LAW.

Lord A. Hamilton called the attention of the house to the numerous petitions against the corn law of the last session. He argued that the great advance in the price of grain since the introduction of that measure into the house, was in a great degree attributable to it. He complained particularly that Irish grain, when warehoused here, may be exported as foreign, and he believed that much of this Irish grain had in this manner found its way to enemies ports. He concluded with moving, that a committee be appointed to inquire into the matter of the petitions.

Colonel Stanley represented the extent of the complaints against the bill, in the manufacturing parts of Lancashire.

The *Secretary at War* defended his former opinion, that it was erroneous to suppose the act of last session had contributed to the rise of corn.

Mr. Coke maintained that if the act were allowed a fair trial, it would be the means of immense extension of agriculture, and consequently of an unfailing supply to the consumer.

Mr. Western insisted that the prejudice against the law was founded in error. The state of the markets was, besides, now far different from what it had been when the petitions were presented. No corn had been sent out of the kingdom, nor was any prevented from coming in by the law. If a fair trial was allowed, it would be found that the law would bring the market to a very moderate and equable rate as soon as there was a prospect of a reasonable harvest. The effect of the law was to produce a full and certain supply, by allowing the means of throwing off the redundancy.

Sir R. Peel argued, that the manufacturing interest should be supported against foreign competition, by supplying the necessities of workmen at a reasonable rate. A temporary depression of the farmer's profits ought not to be made the cause of a permanent burthen on the consumer.

The *Chancellor of the Exchequer* maintained, that the act of last

last session had no operation whatsoever in the rise of the last year. The act, on the contrary, went to give confidence to the importer, and to increase importation, particularly from Ireland. The advantage of the act was to produce a steady average of price, never extravagantly high nor extravagantly low. He supported the motion for a committee, as the effect of the inquiry must be to shew that the prejudices entertained with respect to the act were totally unfounded.

Mr. P. Coke complained of the act, as raising the price of grain.

Sir R. Buxton defended the act, which had not yet operated.

Mr. Foster also defended the act, which had been the means of deriving a supply of 300,000 barrels of corn from Ireland, that could not have been sent out of that country under the old law; after corn reached 63s. a quarter it could not be sent out of Ireland, even to England, much less to foreign countries. The great effect of the act was to establish a steady system. He opposed the motion.

Mr. Macdowal argued, that the act had produced very bad consequences in Scotland, particularly in his district.

Mr. H. Lascelles believed the act might be altered with advantage.

Mr. W. Smith wished for a committee to remove the false impression that prevailed with respect to the act.

Mr. Barham also wished for a committee.

Sir C. Price thought the interference of parliament in these matters had a bad effect on the market.

Mr. Curwen thought the alteration of the manner of taking the average in Scotland could be done better without a committee.

Sir John Newport argued against a committee, for which he saw no ground.

Sir W. Curtis and *Alderman Combe* thought some encouragement was necessary to the farmer, but that the average in the act of last session was too high.

After a few observations from *Mr. Saville*, *Lord A. Hamilton* replied.

The question being then put, the house divided: For the motion 63.—Against it 40.—Majority for the motion 23.

The committee was then named.

Mr. Western afterwards gave notice, that on Tuesday he should move that it be an open committee, and that all who come have voices.

On the motion of *Mr. Creevey*, the committee on the affairs

airs of the Isle of Man was instructed to consider of the mode of collecting and applying the revenue of that island.

Mr. Foster obtained leave to bring in bills for the better collection of the duties on wines and spirits in Ireland, and regulating the trade of a distiller; for collecting the duties on malt, and regulating the trade of a maltster; to regulate the licences for the sale of wine and spirits, and to discourage the immoderate consumption of the latter; and also to regulate the sale of licensable commodities.

The property tax regulation bill was reported, and ordered to be read a third time on Monday.

The Irish land partition bill, and the Irish spirit warehouse bill, went through a committee, the reports to be received on Monday.—Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 13.

IRISH CATHOLIC PETITION.

The order of the day having been read for resuming the adjourned debate on this subject,

The Earl of Suffolk rose.—The emancipation of the Irish Roman catholics was a measure, his lordship was of opinion, which must sooner or later be adopted, and therefore he wished their lordships at once generously and nobly to grant the prayer of the petition. Objections had been made to this as a proper time for such a measure; but no time, his lordship contended, could be more proper than the present. It was indeed a critical time, a time when they knew not how soon the enemy might land on their shores; but it was only for that reason the more necessary that the whole strength and population of the empire should be united, and no means could be more effectual for this purpose, he thought, than to conciliate the Roman catholics of Ireland by a just, a wise, and moderate policy. The concessions that had already been made them it had been argued had only been productive of evil, and had led to the present high demands; but those concessions, on the contrary, he contended, had done good, and from the present, therefore, as necessary to complete the good effects of the former, the greatest advantages might be expected. His lordship then made some animadversions on the speech of the noble secretary (Lord Hawkesbury) on the former night, and vindicated the conduct of the noble baron who was the author

author of the motion. If ever he had heard a great constitutional question argued with that cool and temperate moderation which became its importance, it was on that occasion by the noble baron. If the noble lord had said that such a measure as that prayed for in the petition would ultimately prevail, he could only mean that reason, and an enlightened policy, would ultimately triumph over those little prejudices that were the greatest obstacles to the measure; a sentiment he thought which could not easily have been misunderstood, and in which he readily and sincerely concurred. The noble earl farther contended that they owed the Roman catholics of Ireland the prayer of their petition, as a matter of justice as well as of expediency, because it had been held out to them as an inducement to their union with this country, and the expectation of which had contributed in so great a degree to the accomplishment of that object, that it was probable that, without such expectation, that event would not have taken place. A noble lord (Lord Hawkesbury) had laid it down as a principle that this petition ought never to be granted. He thought this a very imprudent declaration, as well as highly degrading to the Irish character, particularly as our army and navy were so much indebted to Ireland for their supply. The noble lord had declared, that he had no confidence in their principles, and was afraid of the bad consequences that would ensue from the hostility of their religion to the civil rights of the country. But he wished noble lords to recollect, that many of our best rights had originated under Roman catholics, and when that religion was the religion of the country; and as a proof that difference in religion was not so incompatible with the duties and relations of citizens, he could not help reminding their lordships, that even in Roman catholic countries, protestants were sometimes employed by the government and permitted to hold offices of trust. The ablest minister and the greatest soldier that France could ever boast of were both protestants, and no bad consequences were found to ensue from that circumstance. He denied that the late rebellions were at all connected with the grounds of the present petition, and urged the advantages that might be derived from making magistrates of the country gentlemen, whose religion being the same as that of the people would give them greater weight and influence, and reconcile the people to their authority. The noble earl concluded by urging the propriety of receiving the Roman catholics to a participation of the rights of the constitution; as a measure of both justice and expediency.

The

The *Earl of Oxford* supported the petition, and disclaimed all connection with a certain person who had been alluded to on the former night, (Arthur O'Connor,) since he had heard that he had joined the enemy.

The *Earl of Buckinghamshire*, perceiving a noble and learned friend near him (Lord Carleton) anxious to deliver his sentiments upon the important subject then under their lordships' consideration, was extremely unwilling to prevent the house from hearing the noble lord; but having resided for so many years in Ireland, having during a considerable portion of that time held a high official situation in that country, and having been the individual who introduced the bill of 1793, he was absolutely precluded from giving a silent vote.

In offering his sentiments against the motion of the noble baron, however they might militate against the prayer of the petition, he was under no apprehension of being charged with prejudice or intolerance; to such an imputation he would answer by a reference to the bill of 1793, and it would be unnecessary for him to desire a more effectual justification than would be found in the provisions of that bill. It had given to the Roman catholics of Ireland the full enjoyment of a perfect equality of civil rights with the rest of his majesty's subjects, with an exemption from certain political obligations which are withheld from all except the protestant dissenters of that country. Under the impression of every thing that had been already conceded, he was never more surprised, than that the noble baron, whilst deprecating inflammatory language in others, should himself resort to so extraordinary a position, as that the refusing to grant what the Roman catholics had sought for in their petition could be justified only upon the principle of their being deemed traitors, and unfit even to be permitted to take the oath of allegiance, and if that were the case, severe and oppressive as the penal code had been, it ought to be re-enacted.—Such an argument from the lips of the noble baron could not fail to excite considerable astonishment; and more especially with those who are disposed to resist the repeal of the test and corporation acts in Great Britain; and were it just, it must equally apply. What effect such a declaration might have upon the persons affected by those acts, he would not undertake to anticipate; but he did not think it consistent with that moderation which the noble lord had so strongly recommended. So far from agreeing with the noble lord, the *Earl of Buckinghamshire* was decidedly of opinion, that considering the
tenets

tenets of the Roman catholics, the indulgencies they had received from their sovereign and the legislature could only have been the result of a confidence in their loyalty; but so long as they acknowledged a foreign ecclesiastical jurisdiction within the united kingdom, it was impossible to entrust them with any large share of political power.

Doctor Troy, a man of ability and unexceptionable character, in his pastoral letter of 1793, expresses himself in the following manner: "That catholics are obliged to believe as an article of their faith, that the pope or bishop of Rome, as successor of St. Peter, is the supreme visible head of the church on earth, and the centre of catholic unity, with a primacy by divine right, of *real authority and jurisdiction* in the universal church, and that all catholics owe him canonical respect and obedience on that account; and that the supremacy of the pope is one of those points on which all catholics are agreed as an immutable article of their faith." His lordship then put it to the house, whether persons professing such a doctrine could safely be admitted to the higher offices of the state or to seats in parliament.

His lordship then proceeded to state that the noble baron having appealed to those peers who had held official situations in Ireland for their sentiments respecting the loyalty of the catholics, he should declare his without any reserve. He was satisfied it was better for him to answer distinctly to that appeal, lest an interpretation should be put upon his silence which was not conformable to his real opinion. He had no hesitation in saying, that the conduct of the persons of high rank and the gentlemen of the old catholic families had uniformly been distinguished by loyalty to their sovereign and attachment to the government of the country; but he was concerned to be under the necessity of adding, that those persons had ceased to have any influence upon the catholic body: that the influence formerly exercised by them had been vested in other hands; in the hands of men of whom he was not disposed to speak with severity—but when he observed that they (he meant the catholic committee) employed as their agent Mr. Theobald Wolfe Tone, a man, not even of their own persuasion, who was the founder of the society of united Irishmen, who was at the very time employed in an attempt to form a traiterous conspiracy for the purpose of effecting a separation between Great Britain and Ireland, and who was engaged in a correspondence with the French government with a view to the procuring their assistance to

further his designs, 'the noble lord would not say, that connection with such a man was *proof* of disloyalty, however obliged he might be to admit that it was calculated to excite suspicion.

The noble lord then read, from the publication (subsequent to the bill of 1793) of the proceedings of the Roman catholic committee, the following resolution: "Resolved, That the sum of fifteen hundred pounds, together with a gold medal of the value of thirty guineas, bearing a suitable inscription, be presented to Theobald Wolfe Tone, Esq. agent to the committee, as a testimony of his services and our gratitude."

His lordship then adverted to what had fallen from the noble baron respecting the expectations the catholics might have been induced to entertain at the time the union was under discussion. The noble baron had fairly admitted that no pledge was given, whatever hopes might have been encouraged from an assurance that the situation of the catholics would receive an impartial consideration in the parliament of the united kingdom. The noble lord said, as far as the observation could have reference to his sentiments upon the subject, having been one of the persons called upon to assist in preparing the articles, he must confirm the declaration of the noble baron, that no pledge had been given; but to what extent the catholics might have been justified in indulging a sanguine expectation from a discussion of their situation in the imperial parliament he could not attempt to form a conjecture. He certainly could not charge himself with having contributed to their disappointment. In the house as well as out of it he had always stated the principle upon which he acceded to the union; a principle that must preclude him from acquiescing in their being admitted to seats in parliament.

The noble baron had felt, that whilst Ireland remained a separate kingdom, the objections to catholics being eligible to seats in the house of commons were almost insuperable. The Earl of Buckinghamshire was of opinion, though not exactly upon the same grounds, that the arguments against their sitting in the imperial parliament were equally forcible. In their (the catholics) situation, however, he could perceive a material difference. From being a majority in a separate, as they would become a minority in the united kingdom, their pride would naturally be less affected at the continuance of the disability. They might expect a more unbiassed consideration

deration of their interests, when in their opinion local prejudices and partialities are less likely to prevail. The irritation that had been produced from a variety of circumstances, had a direct tendency to lead to such a conclusion, and his lordship saw no prospect of permanent tranquillity in Ireland, except by means of legislative union with Great Britain.

With every disposition upon these grounds to give his support to that measure, his lordship expressly declared, that it would have met with his most strenuous opposition, if he could have anticipated the probability of an acquiescence in the prayer of the petition upon the table. It went, in the view he took of it, to the total annihilation of the protestant interest in Ireland. The system of representation, as settled at the union, had been so formed by the abolition of the boroughs, which had been created as a counterpoise to the power of the catholics, and by throwing the whole weight of the representation into the counties, that the share the protestants would be able to retain, after the catholics sat in parliament, would not be sufficient to leave them any influence in the country; and although the noble baron had treated such an idea with no small degree of contempt, saying, that nothing but bigotry could induce any man to entertain it, the noble earl was ready to acknowledge himself a bigot upon that subject; having the most perfect conviction, that if such a step was unfortunately taken as to admit the catholics into the house of commons, in the course of a very few years there would scarcely be a representative from Connaught, Leinster, and Munster, that was not of that persuasion. In those provinces the number of catholics to protestants are computed as six to one, and the freeholders in nearly the same proportion. The protestant landlords would depopulate their estates if they attempted to dispossess their catholic tenants; a measure at all events difficult to accomplish, as, from the practice in Ireland of letting the lands for lives, a great proportion of the peasantry have freehold tenures. His lordship then asked, if any person who was conversant in the character and disposition of the Irish catholic, would venture to state, that in an electioneering contest between a protestant and a catholic, the influence of the protestant landlord would stand a competition with that of the popish priest. The arguments deduced from the interests of the popish religion, the possible, or rather certain relief from the payment of tithes, with the variety of inducements which the ingenuity of the priest would suggest, could leave no doubt of his ultimate success. The mischief that

must arise during the few years that such a contest would continue, the manner in which it would be conducted, and the animosities that it would create, his lordship said, might be better understood by a recital from the history of Ireland, than by any representation that he could make. He then quoted a passage from Leland, who, in describing the struggle for power which took place in Ireland in the time of James the First, says : " Agents were dispatched from the pale into every province to support the election of their friends, and to entreat the assistance of every man of quality or interest in this time of danger. The clergy preached the cause of religion, and denounced their excommunications on those who should presume to vote against the friends of the holy Roman church." Having endeavoured to convince the house, that, in three provinces out of the four, Connaught, Leinster, and Munster, the representation, with scarcely an exception, would be catholic, his lordship proceeded to state, that in Ulster the catholic, with the protestant dissenters, constituted a great proportion of the population ; and said he would leave to the house seriously to consider the effects that such a weight of dissenting interest thrown into the house of commons might have with respect to the security of the church establishment.

How soon the common object of all the dissenters might be accomplished, must depend upon circumstances ; but that that object would be the destruction of the property of the church, no doubt could be entertained. His lordship then adverted to the evidence of Doctor Macnevin, a catholic and a rebel, in his examination before the committee of the Irish house of commons, in 1798.—Q. " Have you seen a resolution of the Leinster provincial committee of the 19th February, 1798, viz, that they would not be diverted from their purpose by any thing which could be done in parliament, as nothing short of the total emancipation of their country would satisfy them ?" A. " I have."—Q. " Do you think the mass of the people in the provinces of Munster, Leinster, and Connaught, care the value of this pen, or the dip of ink it contains, for parliamentary reform or catholic emancipation ?" A. " I am sure they do not—but they wish much to be relieved from the payment of tithes." His lordship then said it was extraordinary to observe how much even the language of the protestant dissenter in England accorded with that of the catholic dissenter in Ireland. In the debate upon a motion for repealing the test and corporation acts in the year 1790, Mr. Burke,

Burke, in the course of a most able speech opposing that motion, produced a letter written by Mr. Fletcher, a dissenter, stating, that the principles held at a meeting of dissenting ministers, at Bolton in Lancashire, were so violent that he would not stay; it described, that one member, on being asked what was their object, and whether they meant to seek for any thing more than the repeal of the test and corporation acts, answered in the language of our Saviour, "We know those things which we are not yet able to bear." And, on another member's saying "give them a little light into what we intend," informed him, "*that they did not care the nip of a straw for the repeal of the test and corporation acts, but that they designed to try for the abolition of the tithes and the liturgy.*"

The noble baron had adverted to the apprehensions entertained from the introduction of forty-five members of the presbyterian church into the house of commons, at the time of the union with Scotland, and had asked how far the predictions of that day had been realized. The noble earl admitted that they had not. But he would ask, whether the day might not yet come, if the prayer of the catholic petition was complied with, when the fate of the church of England might depend upon the Scotch representation—when a question might arise whether the revenues of the church should not be made applicable to the exigencies of the state? The sentiments of the Irish and English dissenter had been already expressed. The church of Scotland has been emphatically described "as being built upon a rock of poverty;" and when a great object was to be obtained, who would be responsible that the Scotch members might not be disposed to place the church of England upon a similar foundation? The noble lord considered the experiment too desperate to be hazarded, and trusted their lordships would not make it. The principles established at the revolution were the landmarks by which he would advise their lordships to direct their conduct. The blessings they had enjoyed, by the operation of those principles, had not been equalled by the people of any country that had ever existed. The British constitution had stood firm amidst those storms by which Europe had been convulsed during the critical times in which it had been their lordships' destiny to live. The interests of the church were so interwoven with those of the state, that the one could not be shaken without endangering the other. No substantial reason for the proposed innovation had been adduced, whilst much cause for remaining

maining as we were was felt by every man. The people of England, he said, looked to the decisions of their lordships with an anxious expectation, and he trusted they would not be disappointed. Feeling as he did, that the prayer of the petition might be fatal to the title of the house of Brunswick to the throne of the united kingdom, his lordship would not place the noble lord upon the woolsack in the distressing predicament of presenting a bill to his majesty for his assent, which, exclusive of other important considerations, was calculated to destroy the permanent interests of his family. His lordship would be no party to such a proposition. By leaving the petition upon the table for so many weeks, the noble baron who introduced it had given that time for deliberation that was due to the importance of the subject. He was persuaded it had been fully, impartially, and most seriously considered. The result, in his mind, was a determination to vote against going into the committee.

Viscount Carleton—The measure proposed would affect the whole empire, but more particularly Ireland; therefore, several of the observations which he meant to make would specially relate to the measure as it might peculiarly affect that country. The main object of the petition is *power*. In his opinion the Roman catholics already have as much power as they ought to possess under a protestant government, and therefore he would oppose the petition.

The concessions in 1793, as to removing penalties, were wise, but, as to every thing beyond that, doubts might be entertained as to the wisdom of the measure. However, it is to be observed, that the parliament of Ireland only gave the right to possess inferior offices, but did not transfer the *power of the state*. The concessions already made to the Roman catholics have extended their influence, increased their demands, and multiplied their discontents. Nothing hitherto conceded has given them content; what probability is there that any thing short of all will satisfy them? To guard against their being *superior* in power care must be used to prevent them being *equal*. The petition claims *every thing*; refusing to commit it is an answer to the claim of every thing. If there are any minor concessions which might be safely granted, when the Roman catholics think fit to ask them distinctly as *matters of favour*, they may call for a distinct consideration. Catholics are not *eo nomine* excluded from holding any offices of the state, or from sitting in parliament. The obstacles which stand in their way are certain oaths, a declaration, and the sacrament

sacrament of the Lord's supper, according to the rites and ceremonies of the church of England, which are to be taken by persons of every persuasion upon taking possession of office, and the same oaths and declaration to be taken on coming into parliament. Roman catholics are less restrained in Ireland than here; there the Roman catholic oath qualifies for all offices civil and military, save a few, which are specially excepted. Not so here; though the English Roman catholic oath is more forcible than the Irish, and binds the Roman catholic to support the protestant succession, whilst the Irish does not. He agreed entirely with the noble lord who immediately preceded him, in the well-merited eulogium which he had pronounced on the character and conduct of the Roman catholic noblemen and gentry of Ireland; they were men of great integrity, honour, and loyalty, and many of them had fought very gallantly in quelling the rebellion of 1798. They had disclaimed the obnoxious doctrines contained in the decree of the fourth council of Lateran. That disavowal was consistent with morality, social duty, and good sense. He gave credit to their assertion, and he did not rest his opposition to the petition upon those objectionable tenets; other tenets, which greatly influenced his opinion, were such as their religion bound them, as good catholics, to enforce. They were not such as reflected disgrace on the Roman catholics, though they might expose the constitution in church and state to some hazard. To tolerate is wise, to invest with the powers of *the state* is the reverse. An exclusion from holding certain situations, deemed necessary to the safety of the state, neither stigmatizes nor enslaves. An equal diffusion of political power amongst all the different sectaries would, in their union against the established religion, denounce its downfall by the systematic, persevering, deliberate though slow conjunct exertions of religious zeal, political ambition, and inordinate thirst for power. To bestow such power on Roman catholics, and to withhold it from other sectaries not belonging to the established religion, would prefer Roman catholics to some whose motives of action were less objectionable than those of Roman catholics. There is no foreign ulterior supreme authority which the tenets of other religions bind their professors to maintain as superior to the established legal government of the empire; but if Roman catholics were in possession of political authority, their religious principles would bind them to use it in an endeavour to render the constitutional authority of the empire subservient to a foreign

foreign dominion. By statutes passed in both countries in the reigns of Henry the Eighth and Elizabeth, in unison with various more ancient statutes, the king is declared supreme head of the church, and the pope's authority, spiritual and temporal, is, as to all legal effect, declared void. The king, in virtue of this authority, convenes, prorogues, dissolves, regulates and restrains synods or convocations; appoints or recommends to bishoprics and certain other ecclesiastical preferments, and has the dernier decision and appellate judicature over all ecclesiastical causes. That the authority of the state is not supreme in the countries subjected to its dominion is a most dangerous doctrine; any interposition in these dominions by a foreign judicature, governed by the laws of a foreign prince, laws tending to the subversion of the protestant religion, leads to ruinous consequences. Roman catholics acknowledge and pay obedience to a foreign, final, ecclesiastical authority, which can make laws upon spiritual subjects, and, in violation of the laws of these countries, enforce them (without the aid of any temporal process) by ecclesiastical coercion and punishment. That foreign ecclesiastical authority is under the influence of the ruler of France. Before the French revolution, if any potentate had attempted to enslave the pope, all other Roman catholic countries would have interposed in his behalf; such interposition against France cannot at this day be expected. The influence of the pope over Irish Roman catholics is now as great as it ever was, and the government of France guides its direction. The Roman catholic bishops' oath is, "to defend the royalties of St. Peter, and to maintain, promote, and augment the authority of the see of Rome." It embraces the supremacy of the pope's jurisdiction over all spiritual matters, and over all temporal consequences flowing from that spiritual authority, and calls for unceasing efforts to increase the power of the see of Rome. The Roman catholic bishops are bound to influence all persons who are under their superintendence to assist in fulfilling their oath. The Roman catholics hold that the state cannot bind them over to *passive obedience* in spiritual affairs, and that the sole power of making and interpreting laws respecting spiritual affairs is vested in the pope or their church, consequently (as they think) our laws cannot bind them, as to temporal matters inseparably connected with spiritual matters.

Their opinion on this subject derives additional weight from their considering Ireland as a fief derived under a grant from

from the pope, Dr. Troy's pastoral letter, published only thirteen years ago, strongly supports those positions. It distinctly asserts the pope's supremacy, even in matters of appeal, treats that of the king as an usurpation, and inveighs not very decorously against the legislature for having declared the king supreme head of the church. In Ireland, the Roman catholics hold regular ecclesiastical courts, whose decisions are completely enforced by ecclesiastical influence, lay submission, and the all-powerful effect of excommunication, prohibiting all intercourse with persons excommunicated. Their spiritual jurisdiction draws to it temporal power and influence; it involves dispensations, licenses to marry, legitimacy, and the right of succession, as dependent on the validity of marriage; pre-contract, former marriage, affinity and consanguinity, as incapacities; maintenance and liability to debts as consequences resulting from marriage, divorces as dissolving the bond of marriage, and the validity of wills of personal estate. In all those instances the exercise of spiritual authority influences temporal rights. The extent of that influence is liable to be greatly increased, as Roman catholic ecclesiastics claim the right of deciding what are spiritual matters within their cognizance, and by an undue exercise of that claim of power, they may greatly extend their influence over temporal objects. Were Roman catholics possessed of temporal power, they must (acting conformably with the principles of their sect) use it to legally enforce Roman catholic ecclesiastical decrees; to give increased importance to their religion; to depress the protestant religion; to legalize a foreign supremacy, that of the pope, with all its *claimed temporal consequences*; to overthrow the constitutional supremacy of his majesty, with all its now *enjoyed temporal consequences*; and to obstruct the execution or procure the repeal of all our laws which relate to spiritual affairs, howsoever extensively affecting temporal rights. It would be highly dangerous to afford the means of futurely weakening in *effect* that supremacy of the king which is already openly denied in *theory*. A participation of equal power must take all pre-eminence from the established religion; in such case how is the king's supremacy to be maintained? What is to become of those acts of parliament which render it penal to deny that supremacy? Is every attempt to invade it to be rendered legal? Is a right to be conferred of denying it without control, and of obstructing it with impunity, and perhaps success? The ulterior views of the Irish Roman catholics may be strongly

collected from the caution used in framing their oath, in the 12th and 14th of George III. cap. 35. in which they have adopted the expressions, "the succession of the crown in his majesty's family," declining to adopt the expressions which the English Roman catholics had no hesitation to make use of, in the 31st George III. cap. 32d., "which succession is limited to the princess Sophia, &c. and the heirs of our body, being protestants." In the one case the oath binds to the support of a protestant succession; in the other case it leaves an opening for the possibility of a Roman catholic succession. Can it be supposed that the Roman catholics, if possessed of considerable political influence and power, would not seek an exemption from contributing to the support of the protestant clergy; a church establishment for the Roman catholic clergy equally splendid, permanent and independent as that of the protestant clergy, and a recognition of the laws of the Roman catholic church, and of the competence of the authority of their courts? Thus tithes must be annihilated, or divided between the protestant and Roman catholic clergy, and the supremacy of the pope, or, in other words, of the ruler of France, must be completely established.

A number of acres almost equal to the full contents of Ireland was forfeited by the rebellions of Desmond and Tyrone in the reigns of Elizabeth and James I. and by the rebellions in 1641 and 1689. Most of the protestant titles in that country are derived under those forfeitures, and grants from Elizabeth and James; the Irish acts of settlement and explanation in the reign of Charles II. and grants by William and Mary, and the English statutes of their reign, and that of Queen Anne. Roman catholics still settle those estates as if they were in possession of them, to perpetuate, to those who are to succeed them, the idea that those estates had once belonged to their families, and might be again enjoyed by their descendants, if the claim to them were persevered in, thus to stimulate to keeping up the claim. In 1644, the confederate Irish Roman catholics demanded, "that there should be a revision of all forfeitures, &c. and grants from the crown from 1588, (eighty-six years) by a free parliament."

In 1689, a bill passed the parliament of Ireland to repeal the acts of settlement and explanation. Not many years ago maps of the Irish forfeited estates were industriously circulated on the continent, an indication that some important object was looked at for attainment, and that it was desirable to conciliate foreign catholic potentates, with a view to the success.

cells of that project. Since the union it has been openly avowed, "that the revolution was an usurpation, the exclusion of Roman catholics from seats in parliament an excess of the power of the legislature, that the old Roman catholic proprietors never had offended, that the confiscations were unjust, and that the present possessors held by usurpation, and ought to be dispossessed." Why? Truly to produce unanimity, cordiality, and affection between the several sectaries in Ireland. Thus no length of time and enjoyment can sanctify title, no concurrence of circumstances can preclude re-assumption; attainders, acts of parliament, purchases, settlements, long possession, prescription are to be inefficient in giving title. The most solemn acts of the legislature, and of courts of justice, done whilst the transactions were recent, and the evidence existing, which have been acted upon and enforced during successive ages; titles created under those acts, and infinitely branched out and diversified for most valuable considerations, are now, when the evidence is lost or mislaid, to be presumed unfounded, contrary to the light of history and to that conviction which has, during ages, influenced the conduct of the parliaments of England and Ireland, and has guided the actions of the most eminent men of those countries, and of the mass of the people. For what purpose? To uproot every thing which has been deemed solemnly sanctified and settled; to unsettle the church, the influence and property of the protestants, and to elevate the members of the Roman catholic persuasion upon the depression of those of the protestant. It is supposed, by some persons, that the length of time which has elapsed since making the grants of the forfeited estates, imposes insuperable difficulties in the way of Roman catholics establishing their titles; and that since the relaxing laws of 1778 and 1781, Roman catholics have acquired so much property under the titles to the forfeited estates, that, in maintaining their own rights, they must defend the titles to the forfeited estates, and that the Roman catholics have solemnly disclaimed all title to the forfeited estates. The repeal of the Irish acts of settlement and explanation; and of the English acts of William III. and Anne, relating to forfeited estates, would annul all the protestant titles founded on them, and expose the possessors to all the hazard, uncertainty, litigation, and expence which might be brought upon them by opposite claims, whether maintained by true or by false evidence. Dispossession and ruin would be the consequence to individuals; to the public, the result would be unsettling

the property and power of the country. The estates of inheritance acquired by Roman catholics since the relaxing laws are as yet inconsiderable. The religious zeal of Roman catholics holding leases under the forfeited titles, would induce them to think that if the inheritances were restored to the families of the ancient proprietors, Roman catholic tenants, assuming the merit of having aided the restitution, might be sure of having their leases confirmed by landlords of their own persuasion. Thus neither the inheritance nor the derivative interests would protect the protestant titles against the various incentives which might combine to defeat them. The present laws, aided by a protestant government and protestant constitution, do protect them. Any other protection would be ineffectual. Of what avail would the disclaiming of Roman catholics be if they acquired power to enforce their claims, when they have already, since their supposed disclaimer, though not yet possessed of sufficient power to establish their demands, revived their claims to the forfeited estates? How have their stating specific objects, as exclusive of all others, in various transactions of the year 1792, prevented unqualified demands in 1794, and down to the present period? If the Roman catholics were to obtain restitution of the forfeited estates, the country would be ruined. If they failed as to *that* their main object, conciliation would not be the result of concession. This country never can, consistently with any principle of policy or common sense, give way to the claim of restitution. That is a great object looked at as the result of power. Separation then of Ireland from Great Britain would, whilst any expectation was entertained of procuring restitution, be the only means of obtaining an object otherwise unattainable. That expectation must be repressed by a prompt and decided resistance, demonstrating the determination of the state to direct the whole of its force in opposition to the attempt. It has been said that "the measure, if adopted, would secure the country against future rebellions, conciliate the Roman catholics, and inseparably unite them and the protestants." To judge of this reasoning it is necessary to advert to the objects which the rebellion of 1798, and its off-shoot, that of 1803, looked at. Take a review of some leading facts, and of the motives which led to the rebellion of 1798, as they have been disclosed by those who best knew them, the leaders of that insurrection. In 1791 the society of united Irishmen was established; its objects were evidently rebellious; it aimed at the entire overthrow, not merely any imagined improvement,

provement, of the existing constitution. This is demonstrated by a letter from Tone directed to a person in Belfast, and containing the resolutions which were afterwards (with a small variation) adopted in the public declaration of the Dublin society of united Irishmen, upon the 9th of November 1791; in that year and 1792 the foundation of the rebellion of 1798 was laid. In 1792 Tone published in favour of independence, and separation of Ireland from England. In the same year, Edward Byrne, an eminent Roman catholic priest, issued letters to the several parish priests of Ireland, directing that delegates should be elected by their several parishes to sit in a Roman catholic convention; his letters stated, that "serving on juries and the elective franchise were the objects to be discussed by the convention." The convention accordingly assembled in that year: there never was any doubt that it sat as a Roman catholic convention, and it most certainly was the organ for expressing the then real objects of the Roman catholics. It resolved that "the objects of their pursuit were merely admission to the bar, county magistracies, serving on juries, and voting for members of parliament out of freeholds of 20l. per annum." The claims made by the convention extended, in the instances of admission to the bar and county magistracies, beyond the objects pointed out by Byrne's letters of summons; but neither his letters nor the resolution of the convention in any respect related to the avowed or real objects of the conspiracy at that time formed for the rebellion which took place in 1798; nor did they include any claim to the great offices of the state, or parliamentary representation. The equivocal expression of "catholic emancipation" was not adopted therein. Those could not have been real ingredients in the plan of insurrection then formed, nor were they in any respect consistent with the nature of that plan, which proposed not merely to alter the constitution, but to form an entirely new one. In 1792, Sweetman, with some other traitors, was a member of the convention; he took a distinguished lead in defending the defenders of that day; but such of the members of the convention as were loyal looked only to such objects as were within the reach of possible attainment, and such as were traitors had separation and independence, not catholic concessions, in contemplation. In the same year a petition from the inhabitants of Belfast to the house of commons of Ireland was preferred, praying a repeal of all the penal and restrictive statutes against Roman catholics; but it did not state that "the petitioners were Roman catholics." Afterwards, in

in the same year, a petition was presented from the Roman catholics, praying "a removal of *some* of the civil incapacities under which they laboured, and a restoration to *some share* in the elective franchise." Before the convention broke up, it appointed a permanent committee. In 1793 petitions from the Roman catholics were presented to the house of commons of Ireland, referring generally to a variety of severe and oppressive laws inflicting disqualifications. In the same year more was granted by the parliament of Ireland than the Roman catholic resolutions of 1792 had claimed, and the liberality of parliament even exceeded the full extent of those claims. In 1794 Tone traiterously corresponded with the government of France, and in the month of April in that year, the traiterous consultation in Newgate took place, an invasion of Ireland was then planned, and the reasons for it, and to induce the French to invade, were digested. Neither catholic representation, nor the capacity to fill the great offices of the state were objects alluded to, though Tone, who was one of the conspirators at that meeting, was an accredited agent of the Roman catholics: nor was the establishment of the pope's supremacy, though Dr. Troy's pastoral letter had been published before that time. In December 1794, an address to a nobleman who speedily afterwards was sworn in chief governor of Ireland was signed by several Roman catholics, and amongst others by Sweetman, M'Nevin, and M'Cormuck, desiring in substance the repeal of all laws which restrained Roman catholics from the possession of power; thus laying aside the limited claims contained in Byrne's letters of summons, in the resolutions of the convention in 1792, and in the Roman catholic petition of the same year, and claiming equality in every respect with the protestants. In April 1795, the convention passed its resolution in favour of Tone: Lewins and M'Nevin were at that time members of it. The speeches in the convention (as communicated to the public) breathed separation of Ireland from Great Britain. At that period those rebels, who had taken the lead in the convention, marked its proceedings as embracing the real objects of the plan which had been formed for the destruction of the monarchy: however, this observation does not include the Roman catholics in general, nor indeed all of the delegates. Between June 1795 and January 1796 a traiterous correspondence was carried on between the society of united Irishmen and the executive directory of France, to procure an invasion of Ireland; and upon the 21st of December 1796 the invasion was attempted: by

by Hóche. On the 12th of May 1797 a report was made by the secret committee of the house of lords of Ireland, which states, that "parliamentary reform and Roman catholic emancipation were held out by the united Irishmen as a pretence, and to seduce persons not apprised of their intentions." Upon the 23d of May 1798, the first rebellion broke out; neither the proclamation which had been prepared by the Sheares's to be issued upon the breaking out of the rebellion, nor the other transactions preceding or accompanying that event, point out the want of Roman catholic representation, or of the right to hold every species of office as grievances which the rebellion was calculated to redress. Thus, at the first formation of the plan of rebellion, the Roman catholics had not made the claims which are now brought forward, and at the final execution of that plan the Roman catholic claims were not in the contemplation of the conspirators; in the intermediate steps they were used merely as pretexts. In the month of August 1798, a report of the committee of the house of lords of Ireland stated, that M'Nevin on his examination said, "It was not intended to have any religious establishment; and that the mass of the people in Leinster, Munster, and Connaught did not care for reform, or catholic representation." Those were the principal Roman catholic provinces. On the 23d of July 1803 the last rebellion broke out; it was formed on the same principles as the former rebellion.

Adverting to the before-mentioned chain of facts, and to the several reports made by the committees of the houses of parliament of Ireland in 1793, 1797, and 1798, it appears, that the real objects which the two rebellions sought to attain, were the annihilation of tithes; the lowering of rents; an equal distribution of property; the leveling all the ranks and orders of the state; separation of Ireland from England; the destruction of the monarchy; and the establishment of a democracy on the principles of the late French republic. The Roman catholic claims were not objects sought by the two rebellions: had those claims been formerly ceded, they would not have prevented those rebellions; were they to be now conceded, every motive which led to those rebellions would still exist to conduce to further rebellion. Few of those who were embarked in these rebellions had any interest in establishing the Roman catholic claims. A pamphlet published by a late respectable Roman catholic nobleman suggested that the mass of the people could be little benefited by the adoption of such a measure as that which is now proposed, they being already capable

capable of every thing which their situations could entitle them to, and that probably not more than ten, on the part of Ireland could sit in the house of commons of the united empire, nor more than one in the house of peers, nor more than forty or fifty be candidates for offices of rank, trust, or emolument. Thus the numbers to be gratified by an immediate gift are so few, that the conciliation to be attained must be equally circumscribed; there being few capacitated to be candidates, the withholding the objects claimed is felt by few; there are few to complain of injury, few to acknowledge and be thankful for favours conferred. Hence a concession productive at this day of small conciliation of the Roman catholics, of great dissatisfaction on the part of the protestants, might lay a foundation, when the political importance of the Roman catholic body became more considerable, for hazarding the safety of the state, and exposing it to the persevering efforts of unremitted zeal, guided by one common principle, and one all-ruling influence. It may be imagined by some, that though the mass of the Roman catholics have no interest in the objects claimed, it may be proper to concede them, in order to win over those persons of rank and property who have the power of influencing the great body of the Roman catholics. The lower orders have been influenced, not by the respectable and loyal members of the same religious persuasion (who have an interest in the claims now set up), but by factious demagogues of various persuasions, who aimed at rebellion, not at reform, or catholic claims, and would have been equally active in disseminating rebellion, if any concession had been made short of annihilating the monarchy. It cannot be expected that the mass of the lower orders of the Roman catholics should cease to be actuated by those interested motives which have heretofore influenced their conduct, because of a concession being made to some of the higher orders, of privileges not to be enjoyed by the mass of the people; in which they have no interest, and by which their conduct has not heretofore been guided. It has been argued, that the influence which the measure under consideration would confer, at present *must* be small, probably *never can* be great, and therefore there cannot be *any* danger; or if any, it must be *remote*. In the reign of James II. both houses of parliament were protestant, yet the other branch of the legislature was near succeeding against them both, in the establishment of popery. James II. professed to intend for the Roman catholics "only an equality of privileges;" that

that equality would have occasioned the downfall of the protestant religion: it was therefore resisted. The resistance was ultimately successful; but the danger having approached too near, the success of the resistance was attended with difficulty and hazard. The fluctuation of property in a commercial country, and of the relative numbers of persons composing the several sects, connected with the known perseverance of the Roman catholic body, renders it unsafe to trust to their not being able futurely to do injury because at the present day they are unable, not being possessed at present of sufficient political weight and influence. Their unremitting zeal in pursuit of political influence and authority, their implicit submission to one ruling and foreign power to the exclusion of the supreme authority of the state, their being all governed by one common principle, and firmly linked together by one general rule of action, render it not wise to intrust them with power upon a supposition that, because it might at the commencement be inconsiderable, it could not hereafter be rendered dangerously great. Sixty-four of the Irish members of the house of commons sit for counties, and many of the other thirty-six for open boroughs. The priests must have considerable weight in influencing the elections, as between protestant and Roman catholic candidates; and were Roman catholics eligible to parliament, probably at a period not very remote the representation on the part of Ireland would be completely Roman catholic. That body of men would enjoy a great part of the Irish patronage. Who can measure the influence of a body of men so constituted? who can foretell what they might effect by a junction at a critical moment with other bodies of men, standing in need of their assistance, and ready to make them a proportionate return of favour and support? To conciliation and unanimity there must be two parties—the Roman catholics, and *all the protestants of the entire empire*; and their mutual concurrence will scarcely be obtained by holding out to the Roman catholics the possibility that, by unremitting perseverance on their part, their laity may be restored to the forfeited lay property, their ecclesiastics to the church lands, the supremacy of the pope be established, and a Roman catholic ascendancy be substituted in the place of the protestant ascendancy, and by conveying to the protestants the idea that whatsoever the Roman catholics gain, the protestants must lose. The number of Roman catholics is to be considered in relation to the whole empire. In ascertaining the class of persons in whom the power of the state is to be

vested, property, rank, respectability, talent, knowledge, judgment, and congeniality of principles with those of the state, are more to be attended to than numbers. If numbers and physical force *unaccompanied by political weight and influence*, whilst they can be brought into action only in opposition to, and under the controul of the laws, and of the systematic authority of the state, are to excite apprehension, how much more serious cause of alarm would there be, if the same physical strength were *aided by political weight and influence*, moulding and shaping the laws so as to give a free and uncontrouled course to such conjoined force? Let it be understood that political power to unsettle the state is unattainable, and the dangerous consequences of pursuing projects of innovation in violation of the law, and in opposition to the protestants of the empire, and all the honest and loyal men of the Roman catholic persuasion, will not be risked. The church and the state are necessarily connected, each giving support to the other. Roman catholics hostile to the one, cannot have the same attachment to the other as protestants have, whose tenets are not hostile to either. Notwithstanding that the monarch must not only *be* but must always *have been* protestant, were his advisers (upon whose judgment he is to act) to possess principles not congenial with those of the state, the constitution must gradually (and the more dangerously, because perhaps imperceptibly) be impaired. In this country tests were adopted gradually, and in succession, with great and progressive caution—first as to corporation offices, then as to offices held under the state, then as to both houses of parliament, and then as to the throne, each successive regulation being adopted from conviction that it was a necessary addition to the then existing regulations. To annul all those regulations would be a most hazardous experiment. Are Roman catholics to be admitted into the English share of representation? If not, upon what principle can they be excluded from thence, if not also excluded from the Irish share? Are any other sectaries to be excluded, though they do not uphold a foreign dominion, and nevertheless Irish Roman catholics, who maintain the supreme jurisdiction of a foreign spiritual authority, to be admitted? In Roman catholic countries the general tenor of the laws is conformable to the Roman catholic religion. The power of the government is somewhat despotic; to support that there is a strict alliance between the church and state: there can be no such alliance between a protestant government and a Roman catholic clergy. Their notions

notions as to the power of legislation are directly opposed to each other, and here the most efficient part of the legislature is popular, and elective; hence a way might be opened by admitting Roman catholics into parliament, and the great offices of the state, towards investing them with a dangerous influence. The possession of inferior offices gives *some* influence, but does not transfer the sovereignty of the state. It is true that Scotch presbyterians sit in parliament, but they take the same oaths, and sign the same declaration as protestants; they give the same tests of fidelity and allegiance, and submission to the supreme authority of the state, as protestants of the established church. As to the Scotch noblemen and gentlemen who in the course of the debate have been described as having held some of the great offices of the state with honour to themselves and benefit to the public, they were protestants, and had taken the usual oaths, signed the declaration, and received the sacrament according to the usage of the church of England. The adoption of the innovation now proposed would new-model the constitution, would violate the principles of the reformation, the revolution, the act of settlement of the crown, and the two acts of union; might substitute the pope's supremacy in the place of his majesty's, might discontent the loyal protestants, who have preserved and strengthened the connexion between Great Britain and Ireland, without contenting the Roman catholics; might unsettle the lay and ecclesiastical property of Ireland, might revive all those mischiefs which the revolution was calculated to redress, and might destroy the present establishment in church and state.

Lord Hutchinson.—In the course of this debate, the catholic hierarchy, the priests, the catholic religion, have been treated with the most unqualified censure, and with an asperity which I little expected to find in this enlightened assembly. It is one of the misfortunes of the catholic cause, that, composing as they do the great mass of the indigent population of Ireland, they are liable to every misrepresentation; the crime of the individual becomes the offence of the sect; the highest man in the community is made answerable for the conduct of the lowest; the religion itself is censured for the commission of those very acts which it reprobates and condemns.

Many allusions have been made to the late rebellion. Whatever that rebellion might have been, it certainly was not in its origin a catholic war; the principal leaders were

not catholics, whose object it was to depress one religion, in order to elevate another. On the contrary, they aimed to destroy every thing that had been established, every thing that had been held sacred. They declared themselves to be alike enemies to the purity of the protestant worship, and to what they called the superstition of the catholic faith; their intention was to extinguish the monarchy, to put an end to the connexion between Great Britain and Ireland, and in their room to erect a republic without a king, a priest, or a noble. The leaders of that rebellion were certainly too able not to have taken advantage of any circumstance which might have led in the most remote degree to weaken the government, and to render their cause triumphant. They consequently appealed to every bad passion, to every malignant feeling of the human heart. It is impossible that any contest can take place in Ireland, into which the bitterness and poison of religious and sectarian prejudices will not enter: all men who entertain views inimical to the public peace, would naturally seize every occasion to increase those dissensions. It is to be lamented that these arts sometimes operate on the minds of the low, ignorant, and vulgar part of the catholic community; but one cannot be at all surprised when we reflect that the protestant, though generally of a higher class, and much better educated and informed, was too often the dupe of these artifices, and suffered his mind to be biased, his understanding controuled, and his generous feelings warped by the existence of those very prejudices of which he so loudly complained.

It is impossible to pass over in silence many things which have fallen from noble lords in this debate, without an endeavour to rescue the character of my country and my countrymen from aspersions which, had they been uttered in any other place, I should not have hesitated to have called most unfounded calumnies. As long as there was a resident parliament in Ireland, it was the ignoble policy, the wretched practice of the representatives of the people to libel and malign their constituents. I am sorry to see such conduct imitated here. It was the strongest argument in favour of the union, that an appeal was made from the passions and prejudices of a little country to the temper, the moderation, the cool and deliberate wisdom of a great nation. Miserable indeed is the situation of Ireland, hopeless and without relief are her circumstances, if this her fond expectation,

pestation, her last, her only remaining refuge is to be disappointed; if by so many sacrifices she has only obtained the dearly bought permission of displaying her miseries on a more extended theatre, where the errors, the misfortunes, the crimes of Ireland are to be re-echoed from one house of parliament to the other, in order to give them publicity to Europe, and that, in future, no foreigner should doubt how weak and vulnerable the empire is in that quarter! Do not, I beseech you, my lords, believe that the Irish are a nation of degraded beings, insensible to the blessings of law, order, and government. There is neither candour nor justice in estimating the character of a whole people by the standard of the conduct of a few atrocious criminals, by excesses committed in moments of heat, irritation, and civil war. By this mode of reasoning, the whole of the French nation would be made answerable for the infuriate and sanguinary spirit which governed and disgraced for years of the revolution the populace of Paris. The virtues of the inhabitants of Ireland, and they do possess virtues, belong at least to themselves, and are peculiarly their own; their faults are the faults of their situation, and of the calamities which have too often distracted and oppressed their unhappy country. The frequent changes of property during the seventeenth century, the persecuting code of the eighteenth, the marked line of separation between the old inhabitants and the new, have established distinctions which nor time, nor circumstances, nor christian charity, nor political necessity have yet been able to remove. It appeared to be the wish of the legislature to create two distinct and separate nations, possessing separate and distinct interests. Unhappily they succeeded but too well—violence will beget violence—oppression will create resistance. When one part of the community enjoys a free constitution, and the other is in chains, the natural consequences must be, that the governors will acquire a spirit of domination, incompatible with every degree of equal liberty; and the governed a spirit of licentiousness and resistance, little reconcilable to law and subordination. This has been the state of Ireland; it is not however the ordinance of the Almighty, but the policy of man. None of those libellers of their country will maintain that it was preordained that man in Ireland was to be indolent, ferocious and savage, and in England civilized and industrious. Seek for the effects arising from human conduct, in human causes. Persecution may have been driven

driven from the walls of parliament, but it has entered into the privacies of domestic life, poisoning the sources of social enjoyment, diffusing dissension and not union, discord and not charity, widening instead of closing the breach between the protestant who conceded with regret, and the catholic who consequently received without gratitude. The legislature appeared to have advanced in vain, the public mind was retrograde, liberality was in the mouths of all, but persecution and rancour were in the hearts of many; the effects of the abominable code of popery laws, survived the code itself; the extent of mischief it had occasioned was not discovered till those laws had ceased in a great measure to exist. What now remains to be granted only insults the catholic without securing the protestant. How the state would be endangered because a catholic peer might sit in parliament, or a catholic gentleman enjoy any office, or represent any county in which he had a large property, I am at a loss to imagine, particularly when the peerage who have the choice, the government who have the disposal of office, the property who have the influence in elections, would still continue protestant. The virtues of men, or the effects arising from their virtues, are transitory and perishable, why therefore should their follies and their prejudices be immortal? Why should religious hatred last for ever? It is certainly a created and not a natural cause of difference. He who believes in transubstantiation and he who rejects it, may certainly think alike on other subjects, and be governed by motives equally pure and honourable as men, as citizens, as christians. The protestant may rejoice in the superior purity of his religion, and lament the darkness which overshadows the mind of his catholic brother: but surely it is not necessary that matters of conscience or of speculative belief should interfere with the active conduct of either. Every relaxation of the penal code has been opposed by the same arguments, which have been again and again answered and refuted. I beg pardon—truth and candour oblige me to confess that in the list of charges and accusations, the pretender has lately been omitted; but the power of the pope, whether he be the prisoner of the directory, or the slave of Bonaparte, whether he vegetate at Rome or be in chains at Paris, is still alike formidable and portentous. The protestant property is still in danger, though that property has been in their hands for five generations; the families of the original claimants are generally extinct, or resident in foreign countries, and

and a considerable number of catholics have purchased and hold their property under the act of settlement and explanation.

A noble viscount has thought it right to assert, that a registry of the forfeited property was in the possession of the families of the ancient proprietors. In all the heat and agitation of debate which has taken place in the Irish parliament on this subject, I never before heard the accusation seriously maintained. If such a record there be, I challenge the noble viscount to produce it—where is it kept? in what families does it exist? The noble viscount also made an implied panegyric on the penal code, when he asserted that during its existence in full force, Ireland enjoyed an uninterrupted state of tranquillity and peace. At this auspicious and vaunted period all the rights of Ireland were invaded, her commerce could hardly be said to exist, her principal manufacture was annihilated, her constitution was subverted, her population was reduced to twelve hundred thousand. This might be peace, but it was the repose of desolation, the tranquillity of a jail, undisturbed by any sounds but the rattling of chains. The protestant was a despot, the catholic was a slave; the protestant surrendered his liberty that he might enjoy his tyranny, the catholic abandoned his country to seek for bread, and found renown in every service of Europe.

I must complain of the want of candour, I must lament the infatuation which prevails on this delicate subject. I am sorry to see the belief of the catholics estimated, not by their own professions and declarations, but by the charges and accusations of their enemies, whom no denial will silence, no test will satisfy. The catholics of the nineteenth century are to be judged and doomed to perpetual exclusion for doctrines and opinions which they renounce, abjure, and abhor, but which were formerly held in remote ages by the bigoted zealots of popery before the dawn of reason, truth, or philosophy had purified religion, and broken through the clouds of superstition. The fate of those who profess the catholic religion in these kingdoms has been rather singular; in the last century, they were proscribed for holding opinions subversive of liberty, and for loving monarchy too much—in this they have been accused of loving it too little, and of changing their doctrines of high prerogative, passive obedience, and divine, indefeasible, hereditary right, for wild, fantastic, mischievous notions of republican liberty and equality.

equality. These contradictory charges against the religion of the most numerous body of the christians of Europe are neither wise, liberal, or founded. Catholicity has been the faith of some of the most illustrious nations, and the belief of many individuals who have done honour to the name of man. Notwithstanding this acknowledged truth, which bigotry itself will not venture to deny, how often has it been insinuated that they cannot be good subjects to a protestant king, because they are not bound by oaths? This mischievous opinion has been sustained with vulgar and mischievous asperity. If it were true, why are the petitioners at your bar? Nothing but their regard for the sanctity of an oath, nothing but the restraints imposed upon them by conscience, obliges them to submit to the various disabilities of which they complain. I certainly despair of carrying this question now, but at the same time I am convinced, that it will hereafter be found absolutely necessary to comply with the prayer of the petitioners, for

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Believe me there is discontent : danger does exist in Ireland, the amount or extent no man can tell. Suffer not therefore the majority of the inhabitants to remain longer under any disabilities; take away every pretence for disaffection, and try a system of conciliation and concession. Procrastination is the fool's resource: policy, state necessity, the situation of Ireland, the critical circumstances of the empire, the willing or unwilling submission of the continent of Europe to the power of France, all demand this measure. What must be done sooner or later had better be done now : what will assuredly be granted, had better be given with the best possible grace. I am sure it is necessary to repeal those laws in order to lay the basis of the future tranquillity of Ireland. After so many ages of wretchedness, confusion, and blood, of degradation without, and smothered war within, a final settlement and peace is required ; a real, solid, founded, substantial peace, not an empty, hollow, treacherous truce ; a settlement which would give security at home, and respectability abroad, which would be the commencement of a new era in Ireland, when every man might forget the prejudices of a sectarian, and recollect the duties of a citizen. All the power, all the energy, all the exertion of a happy and united people might be brought to the assistance of your threatened empire. That which constitutes your present weakness,

weakness, would become your future strength; where you are now vulnerable, you would hereafter be invincible.

Six centuries have elapsed since the English first appeared in Ireland. Whether that country was or was not conquered, I shall not stop to inquire: to be informed, it is not necessary to open the page of history. All the rugged, shapeless features of conquest are too visible every where. A mile from a great town, every shape and semblance of England vanishes. Religion, language, manners, habits, not only distinct, but opposite; the great charter of liberty suspended; the law inoperative; party violence tearing asunder every christian charity, every endearing connection; the protestant in his wrath seeking for his lately emancipated slave; and too many of the lower class of men, in their despair, willing to trample on their allegiance: such is the faint outline of a most disgusting picture, such the state of a country inhabited by a brave, active, intelligent race of men, blessed with some of the choicest gifts of Providence, rising in power, population, wealth, and strength, amidst the bitterness of religious acrimony, popular delusion, and lurking rebellion. No stronger proof can be given of the natural and inherent energies of a country, which has still flourished and prospered, notwithstanding the miserable system which has been pursued, and the vicious administration of the government. Ireland is the only country in the world, where it was thought necessary to proscribe by law a great majority of the inhabitants, where the parliament legislated not for the people, but against the people.

I voted for the union with a firm conviction, with an assured hope, that it would fortify the connection between Great Britain and Ireland, heal the wounds of a distracted country, and ensure the future adoption of the catholic body. I voted with that doubt, hesitation, and reluctance, which every man must experience, who, in the triumph of duties over affections, ventures to shock the feelings, the passions, the honest prejudices of his country. I know that I adopted a hazardous experiment. I know that I differed from some of the best and wisest men in Ireland. I am sure, at the time, it was my honest, genuine, unbiassed sentiment. Possibly I might have despaired too soon; oppressed by a sense of present evil, I fondly, perhaps vainly imagined, that nothing would tend so much to stifle jealousies, to allay the restless, ferocious, sanguinary spirit of intolerance, to subdue the fears of the loyal, and the hopes of the disaffected. I may have

been mistaken; if such has been my misfortune, I have much to lament, and something to atone for; but the act is done; I was one of those who surrendered for ever the legislative independence of my country. During the discussion of the question, many persons of the best intentions, who had before opposed the claims of the catholics, declared that, after the adoption of that measure, they could see no objection to the repeal of every remaining disability. I therefore entertained a sanguine hope that tardy justice would at length have been rendered to this numerous and deserving body of men, and that the adoption of the catholic body would have consummated and confirmed the union. If, on the contrary, you are only corrupted by our example, and adopt the same prejudices which have so long agitated and distracted Ireland, the union will be no relief to her misfortunes: it may be a union by act of parliament, but it is not a union of interests and affections; it is a settlement which has given dissatisfaction to great bodies of men, without having hitherto afforded contentment to any.

Lord Hutchinson concluded by reading several extracts from Lord Redesdale's speech of the night before; he contradicted many of the assertions of that noble lord, and called upon the Irish peers to rise in their places and vindicate the Irish nation from aspersions highly injurious to their honour, and which tended to degrade that country from the rank of civilized nations.

Lord Redesdale felt himself so peculiarly called upon, in consequence of some observations which had been made by the noble lord, that he trusted their lordships would indulge him with a hearing for a few moments. He was not induced by what had fallen from the noble lord to retract an assertion which he had made on the former evening of debate. He asserted, in confirmation of what he then stated, that, from the prejudices of the catholics in Ireland, it was extremely difficult to put protestant children out to service.—(*A cry of no! no! from two or three noble lords.*)—He knew the fact, he said, from his official situation in Ireland, where being a trustee for several charitable institutions he knew that the greatest embarrassment arose from the extreme difficulty which existed of putting out protestant children from those institutions to service. It was also equally true that the greatest prejudice existed in catholic families against protestant servants, and that every means were used to render their situation uncomfortable—(*A cry of no! no! from some noble lords, and of order! from others.*)

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He was not, he said, to be driven from any of his assertions by any contradiction of that nature ; he repeated that his assertions were correct, and referred in still further support of them to Mr. McKenna's pamphlet, an authority which he did not think would be disputed. On the former evening he had likewise referred to the catholic hierarchy of Ireland, and he now maintained that that hierarchy existed in defiance of the law of the land, the persons who now held the dignities of that hierarchy being the successors of those whose offices the law had declared should be abolished.

The *Earl of Ormond* animadverted with great severity on the language of Lord Redesdale, which he regarded as the mere gossiping stories of old women. He said he knew not how Roman catholic and protestant servants might behave towards one another in that noble lord's house. He never was in his house, and he never would be in his house ; but he must declare that wherever he visited he saw them living together in brotherly love and amity. He therefore deprecated the violent and unmeaning language which he had heard, and recommended to the noble lord on his return to act with fewer partialities.

Lord Boringdon, having taken a principal share in the only debate which had ever before occurred in that house relative to the Irish Roman catholic claims, was anxious to state the grounds on which he should rest the vote which he should feel it to be his duty to give upon the present question. It might be in the recollection of the house that he had moved the previous question on a nearly similar proposition which had been brought forward about four years ago by a noble friend of his (Lord Holland), and that in that motion he had been supported by the noble lord with whom the present question originated, and a large majority of their lordships. It was probable that at that time the noble lord entertained upon the general question the same opinion as that which he then held ; he argued, therefore, that as the noble lord had upon that occasion shewn that he thought that there might be reasons and circumstances which might render the postponement of this measure fit and desirable, so he ought to make fair allowances to those who entertaining with him the same opinion upon the general question, yet thought that there might still exist other reasons and other circumstances which might make the postponement of it fit and desirable. He had no scruple in giving it as his opinion that the existence and full security of the established church was in no way involved in

this measure, that whenever it was adopted there could be no possible ground for thinking of repealing any part of the act of settlement, or, as had been mentioned, the 5th article of the act of union; that he fully approved of the terms of the petition on the table; that he saw with satisfaction the reasonable and moderate principles entertained by those on whose part it had been presented; and that he had no doubt that in due time and at a fit opportunity their claims would have their proper weight with all who valued the principles of the British constitution, and who in consequence wished that its blessings should be perpetuated and extended. But, though such was his opinion on the general merits of the question, yet it did not follow that he could recommend the adoption of the motion of the noble lord. In deciding upon all great questions of imperial concern their lordships should not suffer themselves to be guided by any abstract reasoning, or any theoretical speculations, however just and plausible they might be; but they should decide upon a full, general and practical consideration of a subject in all its views, and in all its bearings, immediate or remote, certain or contingent. He thought it fair to say that their lordships should consider from whom and from what quarters in that house propositions originated; and if they thought it possible that any thing like party feeling or party objects had in any way entered, there was the strongest ground for their pausing in their proceeding. He argued that though vulgar outcry and popular clamour should never influence the conduct of that house, yet it could not be maintained that their lordships, in their decisions, were to be deaf or insensible to what they believed to be the general sentiment and opinion of the large body of the public. He believed that that sentiment was at present decidedly hostile to the measure; he did not rely merely upon the adverse petitions upon the table, but upon the notoriety of the fact: he believed that if the motion was adopted, a degree of uneasiness and discontent would arise to which no one could be able to look without apprehension and anxiety as to the consequence. He did not, however, look to the continued duration of such sentiments, but spoke only as to their present existence. He objected further to the motion of the noble lord, as its object was single and separate: it went merely to take into consideration the subject matter of the petition, with the avowed view of granting the concessions in question. Those concessions ought at no time to be made without connecting other matters with them. A noble and learned Lord (Redesdale),

(Redesdale), who had just spoken in explanation, had stated that the Irish Roman catholic hierarchy existed contrary to the law: if that was the case, he inferred that the law not being enforced resulted from prudential considerations, and that it might possibly be found upon a general settlement that the catholics might also have concessions to make. How absurd therefore would it be in their lordships thus immediately and hastily to make these concessions, and thereby limit the means and increase the difficulties of a final arrangement and settlement at a future opportunity? He thought that the Irish Roman catholics publicly and ordinarily calling themselves by titles and appellations which by the law of the land belonged to others was very offensive to the law. Perhaps, in any attempt to come to an amicable settlement of existing differences, they might agree to discontinue or moderate such practice; perhaps in such an arrangement they would consent to have their bishops nominated by his majesty, a measure in his mind eminently calculated to connect the catholic body with the government; and to give to each a common interest and a common feeling, and to remedy many existing evils. This, however, would be a concession on the part of the catholics, and one perhaps which they might not be disposed to make, if we should thus in the first instance have inconsiderately granted all that they require us to concede to them. He doubted much whether the great body of the Irish Roman catholics had really wished this question now to have been brought on. Mr. M'Kenna, an Irish Roman catholic writer of much celebrity, whose opinions could not but have much weight with his brethren, unequivocally expressed in a recent publication his wish that the matter should have been entirely left to parliament. He had also intimated an idea that conscientious doubts and difficulties prevailed upon this subject in the mind of the first authority in the state; and had expressed himself with great sensibility upon that point. He would not pretend to say how far such doubts and difficulties might or might not be founded: but if such feeling and such sensibility could pervade the breasts of Irishmen (who were more distant from the seat of government) and catholics, they could not be strange to the minds of Englishmen and protestants; and if their lordships should experience them, they could not but afford an additional inducement for pausing in the present proceeding. Having always felt an ardent desire that this question should receive an impartial and a favourable discussion, he could not but lament what he felt to be
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its premature introduction. He feared that it might give a check to opinion, and betray individuals into an hasty expression of a hostile sentiment, to which at a future time, for the sake of consistency, they might think it necessary to adhere. It was a matter of satisfaction to him to think that he had been preceded nearly in the same line of opinion and conduct by two of his majesty's ministers (Camden and Mulgrave).—He was aware that such a line of conduct might be liable to observation in debate, but he nevertheless flattered himself that it might not be unattended with advantage. He thought that it would be a matter of satisfaction to the respectable body from whom the petition came to know that they had friends on both sides of the division, and that the numbers who divided for the motion of the noble lord did not constitute the whole of their strength; but he hoped that knowledge would not lead them hastily and prematurely to reintroduce the subject; and that the dignified and temperate discussion which the question had received, and particularly the temper and moderation of the reverend bench, would operate as an inducement to such forbearance.

The *Archbishop of Canterbury* stated that, before their lordships consented to resolve themselves into a committee for the purpose of considering in what manner they could best carry into execution the prayer of the petition, entitled the petition of the Roman catholics whose names were subscribed, it would surely be matter of prudence to inquire, whether the principle upon which the petition rested, was such as their lordships could with safety admit.

If, in this inquiry, it should appear, that under no possible modification could the principle and substance of the petition be conceded, without danger to the establishment in church and state, their lordships would hardly be disposed to employ their time and talents in devising the best possible means for the downfall of both. What then was the history, and what the substance of the petition? The archbishop could not help considering the petition as the consequence, and natural consequence, of a long series of concessions, obtained by the Roman catholics of Ireland, during the present reign: of which series, the subject matter of the petition, if granted, would assuredly not constitute the ultimate term.

His grace begged to be distinctly understood as in no degree calling into question the wisdom of those concessions. Many of them, in his judgment, were absolutely necessary, most of them extremely reasonable, and perhaps all of them
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in policy expedient. The archbishop, in adverting to them, wished only to discover the causes that had led to the petition in its present form. The Roman catholics had obtained all that belonged to toleration; and it was not to be wondered at, that they should desire, at least, the acquisition of power.

After the 18th of his majesty, which removed from the Roman catholics the restraints that affected the grant and acceptance of leases, and provided against the consequences of the conformity of the son with the established church, so far as those consequences concerned the estates of the Roman catholic parent; blotting for ever from the Irish statute book, that corrupt and unhallowed motive of conversion:—after the 22d of his majesty, which enabled the Roman catholic, on taking the oath of allegiance, to purchase and dispose of lands in like manner as his majesty's protestant subjects; and on the same terms, freed the ecclesiastic of that persuasion from the pains and penalties of former acts:—after the statute of the same year, authorizing Roman catholics to teach schools, and giving new facilities to the guardianship of Roman catholic children:—after the 32d of his majesty, which removed disqualifications from lawyers and attorneys of that persuasion, sanctioned the intermarriages of protestants with Roman catholics, and repealed laws that prohibited foreign, and embarrassed domestic education:—after the 33d of his majesty, which was said to have left the Roman catholic nothing to ask, (and well might the assertion be credited);—after the 33d of his majesty, which swept from the Irish statute book almost all the disqualifications of that description of his majesty's subjects, modelled the oath of allegiance to the taste and scruples of the Roman catholics, put down the oath of abjuration, the declaration, the sacramental test, and enabled the Roman catholics to vote at elections, to hold commissions of the peace, to execute offices civil and military, and to enjoy all manner of places of trust and emolument, except such as relate to the established church, and such as are expressly specified in the body of the act:—after this long string of statutes, each of which, in its turn, was supposed to comprehend and redress all that was of grievance among them, followed, and in his grace's view of the question naturally followed, the petition which was then on their lordships' table. It was for their lordships to determine, in their characters of statesmen and legislators, to what extent these concessions could with safety be carried; but it was idle to complain of the eagerness with which they were pursued.

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The substance of the petition was compressed, for their lordships' use and convenience, into one short, but pregnant sentence: "an equal participation on equal terms of the full benefits of the British laws and constitution." If the archbishop had been at liberty to understand the sentence according to the ordinary acceptation of the words, he might have answered that such participation was already possessed: but the framers of the petition, who were doubtless the best commentators of their own work, would not suffer him so to interpret them. Equal participation on equal terms, in their language, signified, admission to places of power and trust, without giving that security for the due discharge of them, which was demanded and given of their lordships, and every other subject of the realm. The object of the petition, couched in very decent and moderate terms, was nevertheless of great size and importance. It was no less than a request on the part of the Roman catholics, to legislate for a protestant country; to dispense the laws, to command the armies and navies, and to take share in the executive councils of a protestant kingdom: a request that struck at the principles of the revolution, and by plain, broad, and inevitable consequence called into question the justice and policy of the act of settlement. Such, in the archbishop's view of it, was the history, and such the substance, of the petition on their lordships' table.

The noble baron who, on a former night, moved the question, and who never rose in that house without making deep impression upon it; the effect of great talents, profound information, and singular perspicuity; had endeavoured to connect and implicate the substance of the petition with the general principles of toleration.

The archbishop insisted that he was as sincerely attached to the genuine principles of toleration as any one of their lordships. He considered it as the brightest ornament and fairest grace of that reformed church which is established in this kingdom: but that he could not prevail upon himself to confound toleration with equality, much less with power and eventual superiority. It was not a figure of rhetoric, but a plain fact, resting on historical evidence, that toleration is a virtue that grows naturally out of a sense of security, and cannot exist for a moment, where danger is apprehended. If their lordships should determine to destroy those fences which the wisdom and experience of their ancestors had, with so much deliberation and care, erected around the established church,

church, they would do unintentionally without doubt, but in the archbishop's judgment effectually, all that was in their power to excite and provoke that bad spirit of animosity and religious intolerance that marked and disgraced the worst pages of their history subsequent to the reformation. On these grounds the archbishop felt it his duty to resist the motion of going into a committee to consider the substance of the petition.

The *Earl of Albemarle* passed some piquant pleasantries upon Lord Redesdale's suggestion for translating the Bible into Irish, and preaching sermons in that language, for the conversion of the Irish catholics, in the same manner as the protestant doctrines were propagated in Wales. His lordship, by a reference to the declarations given by six catholic universities to the queries which had been put to them respecting dangerous doctrines said to be entertained by the Roman catholics, shewed the futility of the objections made to their enjoyment of all political rights.

The *Lord Chancellor* contended that every thing which toleration demanded had been conceded to the Roman catholics. They had no grievances now to endure which did not equally affect many other descriptions of British subjects. The constitution demanded oaths, tests and qualifications of all kinds. Our liberty was sustained by a system of checks. The elective franchise was limited; the representative must shew his qualification; the dissenter must conform to the oaths; the eldest sons of the peers of Scotland could not be returned as representatives in parliament for that part of the kingdom; and, in short, no penalty now remained on the Roman catholics which did not attach equally on other descriptions. Nay, the Roman catholics of Ireland had more licence in the oath they were to take than dissenters here; they were only to swear allegiance to the king and his family; but here the oath was to the king and his family being protestants. He said the basis of the British constitution was not equal rights to all men, but to all men complying with and conforming to the tests which that constitution demanded for its security. He urged the danger to the act of settlement and the bill of rights if a protestant king were to have a catholic cabinet, and he quoted the expression of the celebrated Lord Somers on the 11th and 12th of King William and Queen Mary, containing the coronation oath, that "that ought to be revered as the *Magna Charta* of England."

The *Duke of Norfolk* reminded the house that the simple motion was to refer the petition to a committee, in which

they might inquire and decide what could safely be granted, and what ought to be withheld. He thought that all the alarms of danger, from tenets that were no longer asserted, were visionary. The Roman catholics now exercised themselves the power of judgment, and did not deny the right to others. He saw no danger in allowing them to sit in parliament, and thought that the house should go into a committee.

Lord Harrowby could not agree that it was a fit moment to agitate the question, if their lordships were not prepared to think it a fit moment to concede what was asked.

The Earl of Westmorland—Having been one of his majesty's servants at the time the union was framed, having been in some degree alluded to in the course of the debate, and the importance of the measure, will be my excuse, however ably the subject has been debated, for stating the grounds of the vote I shall give this night. Having, whilst I had the honour of serving his majesty in Ireland, twice given his majesty's sanction to important favours to the Roman catholics of that kingdom; having been twice thanked by that body, and assured that the period of my administration would ever be remembered with gratitude by the catholics of Ireland, I trust, in giving my decided negative to the motion of the noble lord for a committee, it is unnecessary for me to relieve myself of any suspicions of being actuated by superstition or bigotry, or a want of principles of liberality or toleration. To toleration in the exercise of his religion and enjoyment of property, every subject, except under imminent circumstances, has a right; beyond this the exercise of political power is a question not of right but of expediency; a right which every state has exercised, which every state will exercise, in defiance of all the new theories, in defiance of the doctrines of the rights of man, and the bleeding example of the French republic.

Before I enter into the discussion of this question, I will preface two observations: first, notwithstanding the new opinions, that in this country the ecclesiastical establishment is inseparably connected with the state; with it the country has grown to greatness, and whatever has a tendency to weaken or destroy the establishment of the church, tends to the destruction of our monarchy, our liberty, and our political existence: secondly, that all the examples that have been produced of persons of different religions being allowed to serve the state in other countries, in no degree apply to this kingdom, as those countries are subject to arbitrary government;

ment; and I will venture to say, that no instance can be shewn of a free state with a free parliament, in which persons professing a faith distinct from that establishment have obtained much weight and consequence.

In discussing this question, it should be considered what is asked, how what is asked is to be attained, and what is to be substituted in the place of that you take away.

What is asked is catholic emancipation, a term unfitting for this question, or for this assembly. Emancipate the catholics! Do they require the prætor's wand to be released from servitude, to hold property, to be protected in their persons and property? They are as free as any subjects in the world. Do you talk of emancipating copyholders, custom-house officers, excise officers? The term, as it was first intended, applies to emancipate Ireland, that is, to separate Ireland from the government of, and connexion with England.

But what is asked? to abolish all distinctions between protestant and papist, to place the papist upon an equality with the protestant; whilst any distinction remains, however high or special, the grievance remains. This is as it is asked, as it has been argued. For this purpose you cannot move a step without the repeal of the test and corporation acts. In the opinion of many, and to the extent to which the arguments lead, you must also repeal the act of supremacy and uniformity, the bill of rights, the act of settlement, the act of union with Scotland, and alter the king's coronation oath. There perhaps will arise a question between original compact and the supremacy of parliament. Unquestionably our laws are not like those of the Medes and Persians, that alter not; unquestionably no parliament has greater power than the succeeding one; but to this only I argue this question, that, considering the solemnity attendant upon these laws, it is most unwise to raise doubts, and agitate the minds of men upon points which, even in the opinion of many, strike at the settlement of, and right to the crown itself, without urgent and pressing necessity, without being convinced, first that you will do no harm; next, that you will do essential benefit; and, lastly, that you have a plan to establish, for that you mean to take away. Now what are the reasons assigned for this measure?—that it will tend to the settlement and tranquillity of Ireland. Serious as I consider many other parts of this subject, if I thought it would have that effect, I would enter into a consideration of it:—but it is because I am of a diametrically opposite opinion; because I

am convinced that, at this period, it would plunge that country into confusion, I am decidedly against it. I should be glad to ask, if it is likely to tend to the tranquillity of a country composed of two descriptions of inhabitants, the one possessed of the property and the magistracy, few in number, contending and protecting themselves against the more numerous class, to open every situation as a scene of contest? I consider the first operation of this measure to be, to make this country a scene of confusion, corruption, and riot, not only for parliament but for magistracy, and situations in all the towns, as described by Lucan,

Lethe lisque ambitus urbis

Annua venali referens certamina campo.

The priest at the head of his flock, leading them to every outrage, and religious bigotry carried to the utmost extent. The power of the protestant landlords would have no effect against a religious combination.

Next, what are the causes of the discontents in Ireland? high rents, heavy taxes, tithes, the property possessed by persons speaking a different language, of different manners and habits from the peasantry, a double clergy, the protestant clergy in affluence, the catholic in poverty. May I ask, which of the grievances will this act touch? will it lower rents or taxes? will it alter the state of property? will it teach the landlords Irish, or the peasants English? will it lower tithes? will it make the protestant clergy low, and raise the catholic priest? perhaps it may, and here is the difficulty. If this operates lightly and gently, as possibly it may, it would not affect the mass of the country; if it operates to affect the mass, it may operate to an extent that may be fatal to the British connexion. I have long entertained an opinion, that the discontents of Ireland have arisen from other causes, and not from religious disabilities. Let us examine history; I shall not go into the discarded code, except to ask if so much was said upon it for the sake of tranquillity? First, I look to the year 1782; then all the grievances of the nation were brought forth by the patriots of that period, various,—simple repeal, independent parliament, free trade; not a word of religious grievances. I proceed to 1789; grievances enough, wrongs enough of a noble marquis, wrongs that will never be forgiven by those who wished to risk the separation of the countries for the sake of party, nor forgotten by those who know that, by his ability and firmness, he preserved that kingdom to his sovereign, and the connexion between the countries. The partic-
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ties in parliament, and the Whig Club, stating all the grievances; not a word of religious grievances. Is it to be believed, that the great patriots of the day should not have mentioned religious grievances, if any such oppressed the people? I proceed farther to the year 1791; relaxation was given to the catholics in England; the Irish catholics naturally applied; what happened? the Irish house of commons would not grant the claims; no—they threw the petition off the table, twenty-three only objecting.

Now I argue not the right or the wrong on this subject; but this I contend, that the great patriots of that time would not have rejected these petitions if the state of the laws had been an oppression to the country. When, then, was the discovery made? why as soon as it was discovered that the government of England wished to do every thing that was proper for the catholics, then the grievance was made out, then the patriots began to cry out; and whatever was given, the determination was to ask for more; so the more we give, the more we shall be asked, till your lordships have nothing more to surrender. May it be asked what has been the effect of the concessions of 1793? The catholics were relieved from every law affecting the mass of the people. The profession of the law was opened, the magistracy, right of voting, freedom of corporations, trades, &c. What happened immediately? universal insurrection, devastation, and cruelty. May I venture to ask then, if it is probable that those who returned treason for kindness, and murder for favour, upon points that directly affected them, are likely to become mild and grateful subjects for favours that affect them only distantly and collaterally? Upon this point of the argument I beg to be distinctly understood. I do not bring this argument against the measure; if it is right with a view to the catholics of Ireland, let it be done; if it is right with a view to the catholics of England, if it is right upon general policy, let it be done; but let no man's mind be influenced in deciding upon this question by the opinion that concessions of this nature are likely to tranquillize Ireland. We are told it arises out of the union; how? was it promised? certainly not. Did the catholics carry the union? certainly not. Was the question tried at the union? why, it was previously rejected by both parliaments before the union, and at the time of the union itself, it was a strange sort of expectation that what both parliaments rejected before and at the union, should be done as soon as they were united. But is it not well known that the measure could not

not have been carried if this proposition had been clogged to it? Is it not well known that the most zealous friends of that measure would have opposed the union if this had made a part, considering it as leading to the separation of the countries? "But it will please the people of Ireland." Are you to learn that there are two descriptions of persons in that kingdom? will it please the protestants of Ireland; those who carried that great measure, those who preserved that country to this? It seems as if noble lords had forgotten such people existed; I have not heard mention of them from any one of them; a people by whose loyalty and courage, in a situation unparalleled, that kingdom was secured; whose conduct was never equalled by any description of men in any country. Why, then, what must be done? I say, "let the union alone," let that great measure alone, let it work, as it has begun, the settlement of that country, and let not the operations of that great measure be impeded by bringing the catholics forward at an unfit season, to be made the tool and sport of British factions.

In considering the petition several observations might be made; but I shall confine myself merely to two; the first is, an insinuation that the catholics have not the benefit of equal justice. Now, for one, I beg leave to observe on the unfairness of this insinuation, and to defy any man to shew that equal justice in that country is not done to every man of whatever religion or description he may be. Secondly, that the petition is signed by no priest. From this three observations may be made; first, that the priests disapprove of the tenets and declarations contained in the petition, and do not choose to give it their countenance; secondly, the one which surprised me, and which the noble lord seemed to countenance, that, as its requests did not affect their order, they did not choose to sign it; that it did not go far enough, and therefore did not deserve their application. To neither of these observations shall I give any weight, but I will give one more fitting the conduct and character of that reverend body, the superior clergy of whom, from every thing I experienced, I shall always speak with respect. The reason that I conceive why the priests did not sign the petition is, that they disapproved of the season; that they, who knew the state and temper of their own people, the state and temper of the protestants, knew that the time was unfitting for the discussion; that neither party had forgiven the sufferings and injuries of the late rebellion, and that to revive the consideration of this question would only be to revive the horrors
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of the rebellion. They therefore, in which I concur with them, wished to postpone the consideration of their situation to a more favourable moment; and when, as was ably observed, so very few persons have signed this petition from several parts of Ireland, it may be argued that a large portion of the catholics concur in this opinion with the priesthood.

Having looked at this question as it related to Ireland, let us extend our view to its general effect. What is the state of England, of Scotland? perfectly quiet; no religious jealousy, every man worshipping the Deity according to the form he approves. Will the noble lord ensure the continuance of such a state if this motion is complied with? And here an observation should be made; the Irish parliaments, taunted as they have been as bigots and oppressors, in 1793 gave considerable privileges to the catholics; have the English done so to their catholics, whose loyalty and good conduct has been unimpeached, and against whom suspicion never broached a whisper in their disfavour? The argument of the dangers attending the measures in Ireland not applying in England, why did not the noble lords propose relaxations to the same extent? because the state and temper of the country would not bear the proposition. What is the case of Scotland? why even the laws of 1791 were not extended to that country. What is to be argued from this? that those who had the management of Scotland knew the state and temper of that country would not bear the discussion;—that it would be injurious to the catholics, injurious to the protestants. May I then ask, what has happened to induce you to throw this measure wild upon the country? Does any man wish to renew the horrors of the year 1780? Is any man sure that the cry may not be raised that the church is in danger, and may there not be some ground for this alarm?

It was very ably shewn, and I shall not again go over the ground, that this question might throw the one hundred Irish members and the whole power of Ireland into the hand of the catholics. Calculate what the dissenters of this country are; add to these those of no religion, those willing to sacrifice the establishment to free themselves from tithes and taxes; consider the tempting state of the possessions of the church as a source of taxation; contemplate the effects of an union of these bodies acting systematically, forming subscriptions; recollect that parties may be in this country who would go all lengths to attain and maintain power, and no-body

body can calmly say very serious attacks might not be made on the establishment of the church. We are told this is not a time to exclude men from the service of the state for religious opinions. In the first place, in Ireland the catholics are not generally excluded; and secondly, it is not on account of religious opinions, but because they will not acknowledge the supremacy of the king, and come, in a general way of considering the subject, within the provisions of the 24th Henry the Eighth. We are likewise told, that the fears of the pope and pretender are gone by; of the latter certainly, except by arguments there seem some attempts to set up his title. But the pope has no power. It is not the power of the pope, but the power of those over whom the pope has influence, that is to be considered; and if that unfortunate person, having disgraced his reverend hand by anointing a usurper, is a prisoner in his capital, and under his authority has a communication with Ireland, and spiritual mixed with civil authority appointing the hierarchy of the country, who can deny this is a solecism in politics, and cannot be contemplated without apprehension?

But what I most disapprove is the manner in which this question is brought forward. Whoever proposes a change of so important a nature as this is, whoever proposes to alter laws, ought to explain the whole plan and the whole project.

It was said that, in the consideration of restrictive laws, all that excluded persons from equal power, the *onus* lay upon those to shew cause who wished for their continuance. Is it so? I know not how the people of England will like to hear that they are to shew cause for the protection of the corporations and their franchises against universal suffrage, of freeholders against copyholders; but for one, I am ready to take the *onus*. "What have you gained by the war?" was frequently asked; what was the noble lord's answer? "that I have survived the shock under which other nations have sunk," *quod spero tuum est*. I listened with considerable attention to hear what was to be proposed. The first noble lord was all general, and seemed to profess only a compliance with the petition in aid of this favoured sect, forgetting all others upon equal claims, though his argument went to the full extent to them; but no guard, no declaration of what was to be put in the place. I attended with great anxiety to the next, in the blue ribbon, fully convinced, by his mature judgment and discretion, that he had some distinct

tinct plan to produce, which, whilst it gave liberty in one instance, would set up some substitute and guard on the other. Not a word.

As to the third noble lord, from the extent of his arguments, I heard at least nothing in favour of any religious establishment. We ought to see the whole plan and the whole project, that we may be sure, when we come into this committee, any two of the proposers may agree upon what they would wish to have done. I shall be glad to see this new work of Vauban, and to know if I cannot proceed against it by sap or storm with more prospect of success than against this ancient castle, which has been fortified at every point where danger has threatened.

We have been told that this proposal is to strengthen the church establishment, to produce the tranquillity of Ireland, and secure the settlement of the union; but I must look not at the professions of the proposer, but at the tendency of the project; and as I am convinced that its discussion at this improper and unfitting period will, instead of strengthening, shake the establishment of the church; instead of tranquilizing, will convulse the kingdom of Ireland, and instead of cementing the union, will risk the separation; I must beg the noble lords not at such a moment to hazard the horrors and the miseries of religious contests.

The Bishop of St. Asaph—My lords, in delivering my sentiments upon this subject, I hope I shall be able to maintain that temper of cool discussion, which a question affecting so numerous and so respectable a description of his majesty's subjects, a question so important and momentous in its bearings and consequences, demands.

My lords, if I should feel it to be my duty to resist the prayer of this petition; my vote will not be founded upon any uncharitable sentiments, entertained by me, of that branch of the christian family, which holds communion with the church of Rome. I shall easily find credit with your lordships for this assertion; I shall easily find credit for it with the country; I shall easily find credit for it with the Roman catholics themselves. For of every measure that has been brought forward, during the time that I have had a seat in this house, for the relief of the Roman catholics from the old penal laws, it is well known I have been a strenuous supporter; some measures of a contrary tendency, I have strenuously and successfully resisted.

My lords, I do not hold, that there is any thing in the

Roman catholic religion at variance with the principles of loyalty. I impute not actual disloyalty, far from it, to the Roman catholics of this kingdom at the present day. I do not believe that any Roman catholic of this country at the present day, thinks himself at liberty not to keep faith with heretics, not bound by his oaths to a protestant government, or that the pope can release him from the obligation of his oath of allegiance to his sovereign. The questions upon these points, which were some years since proposed to foreign universities, and to the faculties of divinity abroad, and the answers that were returned, which a noble earl this evening read in his place, were, no news to me. I had a perfect knowledge of the questions proposed, and the answers returned; in which these abominable principles were most explicitly and unanimously reprobated by the learned bodies to which the questions were propounded. And I am persuaded, that the Roman catholics of this country are sincere in their disavowal and abjuration of those pernicious maxims. I hold, that the Roman catholics of this country are dutiful and loyal subjects of his majesty, and I think them as well entitled to every thing that can be properly called toleration, and to every indulgence which can be extended to them with safety to the principles of our constitution, as many of those who do us the honour to call themselves our *protestant brethren*; the Roman catholics indeed differing less from us, in essential points of doctrine and in church discipline, than many of them. But my mind is so unfashionably constructed that it cannot quit hold of the distinction between toleration and admission to political power and authority in the state. The object of toleration is conscientious scruples. I conceive that the Roman catholics already enjoy a perfect toleration. The statutes, which exclude them from offices of high trust and authority in the state, are not penal. Such exclusions are not penalties, and the relaxation of those statutes would not be toleration. It would be an indulgence of a very different kind. And although I wish the Roman catholics should enjoy toleration in its full extent, that they should be subject to no penalties for any religious opinions which may be peculiar to them, to no restraint in the use of their own forms of worship among themselves; yet I could not, without anxiety and apprehension, see a Roman catholic upon that woolsack, where my noble and learned friend now sits, or on the bench of justice so worthily occupied by a noble and learned lord at my right hand. My lords, this petition goes this length. It prays,

prays, that a Roman catholic may be invested with the capacity of being any thing in the state, but king. Now, if there would be no danger to the constitution, to admit a Roman catholic to be any thing but king, if this would be a safe thing to do, I confess it is beyond the powers of my mind to imagine upon what principle the act of settlement can be defended.

My lords, my mind is not yet brought to that modern liberality of sentiment, which holds it to be a matter of indifference to the state, of what religion the persons may be, who fill its highest offices. I hold, that there is danger to the state, when persons are admitted to high offices who are not of the religion of the state, be it what it may. And I am ready to argue this very fairly; I think in my conscience, that I myself, being a protestant, should have been a very unfit person to have held any high office under the old French government. My lords, the noble secretary of state, in the former night's debate, argued this point of the inexpediency of admitting persons differing in religious persuasion from the state; he argued it from the practice of antiquity; and he argued justly. It certainly was the policy of all the states of antiquity, to require that persons in office in the state, should be of the established religion of the country. I shall argue from the sad experience, which modern times afford, of the mischief of giving way to the contrary principle. Having said that I will argue from modern times, I may seem to be going somewhat back, if I mention the French Hugonots. But they are an instance in point. I will say, that the Hugonots were very bad subjects of Roman catholic France. They became bad subjects in consequence of the extravagant indulgencies, which, for a long series of years, they were permitted to enjoy. They became at last so bad, that the French government was provoked to revoke those indulgencies; and the cruel persecution took place, which drove them from their country. The persecution was cruel, but it was the natural effect of impolitic indulgence; and such indulgence may always be expected to terminate in such cruelty. But, I rely chiefly on the events of much later times,—of our own times. I ask, what was the real beginning and radical cause of that dreadful convulsion, which, at this moment, shakes all Europe? What was the real beginning and first cause of the subversion of the ancient French government, and of the overthrow of the venerable Gallican church?

church? Was it not the placing of Neckar, that protestant republican, at the head of the counsels of monarchical Roman catholic France?

Now, my lords, if there be danger in admitting a protestant to any high part in a Roman catholic government, the danger certainly must be rather greater of admitting a Roman catholic to any high part in a protestant government. And for this reason; that the Roman catholic pledges his obedience, within a certain limit, to a foreign power, which is not the case of the protestant. I say, within a certain limit. For I am aware of the distinction, between the spiritual supremacy of the pope, which is all which our Roman catholics acknowledge, and his authority in civil matters, which they renounce; and I believe them to be perfectly sincere in that renunciation. But, there is such a connection between authority in spiritual matters and in civil, that I apprehend some degree of civil authority may indirectly arise out of the spiritual supremacy; insomuch that the conscientious Roman catholic may sometimes find himself hampered between his acknowledgment and his renunciation. It is true, however, that the Roman catholics of this part of the united kingdom, explicitly renounce even that indirect authority of the pope in civil matters. For the English Roman catholic swears, that "he does not believe, that the pope of Rome, or any other foreign prince, prelate, state or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm." I very well remember, (and I have reason to remember it, for I had a great share in that business,) that when the oath to be imposed upon the Roman catholics was under consideration in this house, there was some hesitation about the word "*indirectly*." Some of us thought, that it would be pressing too hard upon the conscience of the Roman catholic to make him abjure that, which might seem to be an appendage only of what he was permitted to acknowledge. The word however was after some debate inserted. It stands in the oath, and the English Roman catholic abjures even that indirect authority of the pope in temporal and civil matters. Still I fear, the line of demarcation between spiritual and temporal, it may not always be easy to define. And I must observe, that the Irish oath is not drawn with the same precision. The word "*indirectly*" is omitted. And there is another important omission.

sion. The Irish Roman catholic does not, so explicitly as the English, bind himself to maintain the protestant succession.

My lords, having mentioned these oaths, I must take occasion, in justice to the Roman catholic clergy of England, to set right a matter, which I think was inaccurately stated by a noble and learned lord, in the former night's debate. That noble and learned lord seemed to think, that the Roman catholic clergy of this country scrupled to make those abjurations, which their laity have made. And he told your lordships that, when the bill for the relief of the Roman catholics was brought into parliament, the apostolical vicars put forth an encyclical letter forbidding the people of their communion to take the oath prepared for them. Now, it is very true, that the apostolical vicars forbade the taking of that oath, which stood in the bill originally brought into the house of commons, which actually passed that house. But their objection to the oath was not, that they were unwilling that their people should swear to the maintenance of the protestant succession; or to the renunciation of the pope's indirect as well as direct authority in temporals; but the oath, as it was framed in the lower house, contained some theological dogmata, which they deemed; and in my judgment rightly deemed, impious and heretical. The dogmata, to which I allude, amounted to an abjuration of the legitimate authority of the priesthood, in the administration of what we churchmen call the power of the keys. Abjurations, which I, a protestant bishop, would not make, and I should impute great blame to any priest of mine, who should condescend to make them. It was on account of these abjurations, that the apostolical vicars reprobated the oath as it stood in the first bill; and when the oath was amended in that part, as it was in this house, the vicars apostolic made no further objection. On the contrary, when the bill had passed, they exhorted their people, clergy as well as laity, to take the oath as it now stands, and they have I believe themselves taken it.

My lords, at the beginning of this debate, although I never thought of consenting to the prayer of the petition in the extent to which it goes; yet, I confess, the inclination of my mind was not to oppose the motion of going into a committee. I thought it might best become the gravity of your lordships' proceedings, to consider the subject in detail, to examine the petition, article by article. For, I hold not with those, who think that because the whole, or any thing like the

the whole, cannot be granted, nothing might be conceded. And it was not till the debate had made a considerable progress, that my mind was changed. But I must declare, that it is now completely changed, by the representation that has been made to us by very high authority, of the actual state of the Roman catholic hierarchy in Ireland. My lords, I have long understood, that the Roman catholic clergy in Ireland were upon a different footing from their brethren here. Here the Roman catholic clergy appear in the unassuming character of mere missionaries. There are no diocesan bishops, no parish priests. England is divided into four districts, which are superintended in spirituals by four bishops *in partibus*, a bishop of Cen-turize, a bishop of Acanthos, &c. who take the title of vicars apostolic, and exercise their spiritual authority with great modesty and decorum, and in a manner perfectly inoffensive to the established church and to the state. I knew that, in Ireland, each province has its titular archbishop, each diocese its titular bishop, and each parish its titular priest. But I had no conception, till a noble and learned lord informed us of it, that these titular prelates and priests claim to be the rightful possessors of the respective sees and parishes, and treat the prelates and priests of the established church as usurpers and intruders. I had no conception, that the titular archbishop of Armagh would publicly take to himself the stile of *Armasbensi*, and designate the lord primate by the simple appellation of Dr. Stuart. The withholding from the lord primate this title which belongs to him, in itself is no great matter. But the claim to jurisdiction, in exclusion of the established prelacy and priesthood, is another thing. A noble duke on the opposite bench has said, in exculpation of them, that these Roman catholic prelates are really "bishops." Most undoubtedly, they are bishops as truly as any here. They are of the episcopal order; and men, I dare say, in their individual character, highly worthy of that pre-eminence in the church. But, I am sure the noble duke knows enough of our ecclesiastical matters, to be apprised of the distinction between "the power of order" and the "power of jurisdiction." The "power of order" these Roman catholic prelates possess. But the "power of jurisdiction" does not of necessity attach upon the "power of order." A man may be a bishop, and yet it follows not of necessity, that he is bishop of a diocese. The two powers, that of order and that of jurisdiction, are quite distinct, and of distinct origin. The power of order is properly a capacity of exercising the power of jurisdiction

jurisdiction conferred by a competent authority. And this power of order is conveyed through the hierarchy itself, and no other authority but that of the hierarchy can give it. The only competent authority to give the power of episcopal jurisdiction, in this kingdom, is the crown. It is true, that, in this part of the united kingdom, that power may seem in some degree to flow from the hierarchy; because we have the form of an election of a person to be a bishop of a vacant see, by the clergy of the cathedral. But this is a mere form—the chapter cannot proceed to elect, without the king's licence. The king's licence to elect, is always accompanied with his majesty's letter missive, recommending a fit person to their choice; and it always so falls out, that the chapter agree with the king in their opinion of the fitness of the person. In substance, therefore, the collation of the diocesan jurisdiction is from the crown. In Ireland, the collation of the power of jurisdiction is, both in form and in substance, from the crown solely; for the prelates of that part of the kingdom are appointed to their respective sees without any *congé d'élire*, or any form of an election by letters patent under the great seal. In neither part therefore of this kingdom can there be any legitimate power of jurisdiction, but what is conferred by the crown; and the claim of such a power, independent of the crown, is a most outrageous violation of the very first principles of our ancient constitution.

But, my lords, unwarrantable as this claim of the Roman catholic prelates in Ireland appears to be, I am still more alarmed by the manner, in which, as we have been informed by the noble and learned lord, they exercise their spiritual authority. When the noble and learned lord entered upon this topic, with a remark, that we here in England have no idea what excommunication is in Ireland—that it is really a dreadful thing—and seemed to make this the ground of some charge he had to bring against the Roman catholic clergy of Ireland; my mind, I confess, was all puzzle and amazement. I could not imagine, what this might be; and surmises arose the very contrary of that which I now understand to be the case. Excommunication in Ireland a dreadful thing! why, I said to myself, to a christian, to one who really believes, how should excommunication, in the true meaning of the word, in Ireland, or any where else, *not* be a dreadful thing? Excommunication, in the true meaning of the word, is the separation of a christian, leading a disorderly

orderly life disgracing his profession, from the christian congregation ; a banishment of him from the church. And this separation every christian must consider as a state of great danger and peril : for as the promises of the gospel are all made to the church in its corporate capacity, and extend to the individual only as a member of that elect society, (none but fanatics hold the contrary,) to be severed from that society, is to be excluded from all share in the blessings and promises of christianity. This is excommunication, and this is certainly a dreadful thing. Excommunication, as it is practised here in England, I know very well in itself is no dreadful thing. It carries no terror with it, but in its secular consequences. But this is, because what we call excommunication is not really what the word means. And I have always considered the manner, in which it is used among us, as little better than a profanation of a most sacred rite of discipline. It is used with us, merely as an engine to support the authority of the ecclesiastical courts. If a man disobeys a citation, and persists in his neglect of it, excommunication is denounced ; though the object of the citation should lie in some of these secular matters, which, by our laws, are submitted to the cognizance of these courts. The sentence is pronounced by a layman, without any thing striking in the manner of it ; and, if the offender still persists, at the expiration of certain days, comes indeed a dreadful thing ; he is committed to prison, by virtue of the writ *De excommunicato capiendo*, a writ issuing from a secular court, and there he must remain, till, in the language of Doctors Commons, he has made " his peace with the church," *i. e.* till he has made his submission to the court. The person on whom the sentence falls, all the while finds not the burthen of any thing properly to be called a sin upon his conscience. He is not aware, that he has offended the church—for his imagination cannot identify the ecclesiastical court, in which a layman sits as judge, taking cognizance perhaps of matters of a secular nature, with the church—and he perceives not, that religion has any thing to do in the business. Such excommunication has certainly nothing dreadful in itself, but in the imprisonment only, which follows. Such was not the primitive excommunication. The objects of that dreadful sentence were none but notorious sinners: fornicators, usurers, idolaters, railers, drunkards, extortioners. It was pronounced, with awful solemnity, in the full assembly of the church,

church, by the bishop himself, or some person specially delegated by him. It produced the greatest consternation in the conscience of the sinner, and generally brought him to a sense of his guilt, and produced a reformation, which nothing short of this severity could have effected. When the noble and learned lord said, that excommunication in Ireland was a dreadful thing, the surmise, that naturally rose in my mind, was, that the excommunications of the Irish prelates were something more resembling the primitive excommunications, than that is which our courts call excommunication; and I wondered how this was to be turned to the reproach of the Roman catholic bishops. But when the noble and learned lord went on, he soon made me understand, that their excommunication is no less a profanation, though in a different way, but no less, if not more a profanation of the rite, than our practice. It is indeed a dreadful thing: but not dreadful simply by the alarm of the excommunicated person's conscience, but by the worldly distress it brings upon him. It is not simply a separation from the body of the faithful, but it is, to all intents and purposes, an interdiction *ab aquâ et igne*. No Roman catholic dares to administer a crust of dry bread or a cup of cold water to the person under this interdiction. And the offence, which draws down this horrible sentence, is any friendly intercourse which a Roman catholic may be found to hold with protestants. My lords, this is an abominable abuse of the power which Christ has placed in the hands of the governors of his church, not to destroy the worldly comforts of men, but for the salvation of their souls. No precedent is to be found for such tyranny in the conduct of the apostles. The first instance of an excommunication upon record took place in a very early period, in the church of Corinth. A member of that church was leading a most flagitious life; and the process of the excommunication was this. The apostle St. Paul, not being able to attend in person, issues his peremptory mandate to the church of Corinth to assemble; and in full congregation, "in the name of our Lord Jesus Christ, and with the power of our Lord Jesus Christ, to DELIVER the offender UNTO SATAN," that is, to expel him from the church, by which he would be deprived of those assistances which the church affords to resist Satan, "for the destruction of the flesh"—not that the man was to be starved—driven from civil society, and reduced to perish with cold, and hunger and thirst; but for the mortification of the carnal appetites; for the flesh here evidently

signifies the appetites of the flesh. And this flesh was to be thus destroyed, to this intent and purpose, "that the spirit might be saved in the day of the Lord Jesus." And the spirit in that day will be saved. For the man was brought to repentance; and, upon his repentance, the apostle writes to the church again, to receive the penitent again into their communion, and to "confirm their love to him." And it appears, that offenders under this dreadful sentence were still treated with great charity and commiseration. For thus the same apostle writes to the church of Thessalonica. "We command you, brethren, in the name of our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly. And if any man obey not our word by this epistle, note that man, and have no company with him, that he may be ashamed. YET COUNT HIM NOT AS AN ENEMY, BUT ADMONISH HIM AS A BROTHER." Very different this, from the depotism which we are told is exercised by the titular bishops in Ireland, over persons of their own communion.

My lords, in this state of the Roman catholic hierarchy in Ireland, it would be in vain to go into a committee to take this petition into consideration. For certainly nothing of political power and influence can be conceded to the Roman catholics in Ireland, beyond what they already enjoy, unless their hierarchy can be reduced to a less offensive form, and checked in the monstrous abuse of their spiritual authority. I should hope that neither of these things is impracticable; that both may be effected, by the influence of persons of rank of that persuasion with their pastors, concurring with government in mild measures for the attainment of these ends. But if these ends cannot be attained by the concurrence of the Roman catholics themselves with government, I confess, we seem to be reduced to this dilemma, either this hierarchy must be crushed by the strong arm of power (God forbid the dreadful necessity should arise), or the Roman catholic church must be the established church of Ireland. My lords, if the thing were *res integra*, if we had now to form a constitution for Ireland *ab initio*, I have no hesitation in saying, that it might be matter of grave deliberation, which of the two measures should be adopted. But this is not the case. The Irish constitution is settled; settled long since upon the basis of protestantism: and that constitution, so settled, has been recently confirmed by the *pacta conventa* of the union. When I speak however of crushing the Roman catholic

catholic hierarchy in Ireland, I mean not that the Roman catholics of that country should be deprived of the superintendence of bishops; but their bishops should not be allowed to assume diocesan jurisdiction, in exclusion of our own pre-lacy, or even co-ordinate with it, nor should they be suffered to domineer, in the manner we are told they do.

My lords, if these difficulties stood not in the way, I should be ready to go into a committee; still I should oppose the prayer of the petition, in the extent to which it goes, for this among other reasons, that I think a compliance with it would be the worst thing that could befall the Roman catholics, as well as ourselves. The immediate effect of it I think would be, to revive that detestable rancour between protestants and Roman catholics, which for so many years has been the disgrace of the western church, but is dying away if we only let alone what is well.

Lord Ellenborough—The anxiety and alarm which, during the long suspended agitation of this important question, had been excited in his mind as to its probable effect on the peace and tranquillity of the country, had, from various indications of the public sentiment respecting it, in a great measure subsided, before the immediate discussion of the question in that house; and, from the circumstances immediately attending the discussion itself, which (except during a short and painful interval in the course of that evening) had been uniformly temperate and decorous, and such as became the wisdom and gravity of parliament, his alarm and anxiety had now wholly ceased. That he was convinced that the debates on this momentous subject would, when known, be as satisfactory in the result to those whose rights and interests were the object of the debates, as they were honourable to those by whom they were conducted.

If the question were to be brought forward at all, which he once regretted, but now rejoiced had been the case, he was happy that the claims of the Roman catholics had been put under the protection of the eminent person by whom they had been so ably and strenuously contended for in that house. That the Roman catholics must be convinced that they had a sincere and zealous, as the house was witness that they had a most powerful and consummate advocate in the person of the noble lord.—With a view to the quieting of the question at present, and the preventing its recurrence at any future period, it was well that the defence of the Roman catholic claims had been entrusted upon this occasion to no feebler arm;

what had failed now was not likely to be advanced with equal energy and effect, and with better hopes of success, at any future period. He then said that, in the vote he was about to give upon the question then under consideration, and in the reasons he was about to offer to their lordships for that vote, he trusted that no person would be so uncandid as to suppose that he was either an enemy to the full and free *toleration of the religious opinions* and worship of his *Roman catholic brethren* in Ireland in the most extended sense of that word, or averse to those indulgences in respect of civil rights, which had in a large and liberal measure been afforded them by parliament during the last twenty or twenty-five years of the present reign; although perhaps he might at the time have paused a little upon the prudence and expediency of granting some of the particulars that had been granted; viz. the elective franchise, and a capacity of being included in the commission of the peace; that he did not repine however at any thing which had been hitherto done in their favour, much less wished that any part should now be recalled or withdrawn. I believe indeed, said his lordship, that no such wish exists in the minds of any of your lordships. I am sure it does not in the minds of my noble friends against whom an insinuation of this kind was directed in the heat and eagerness of debate on a former night. What our Roman catholic brethren have acquired by the liberal grant of a bestowing and confiding parliament, let them, under the solemn faith of parliament pledged to them for its continuance, still enjoy. I will not anticipate a possibility that a breach of the implied condition which is annexed to every legislative provision for the benefit of individuals, should draw the expediency of its allowed continuance into question at any, the remotest period of our future history. The question now before us on this petition, is not a question of toleration in the enjoyment and exercise of civil and religious rights, but of the grant of political power. All that toleration can require in respect to civil and religious immunity, has been long ago satisfied in its most enlarged extent. At the commencement of the gracious and beneficent reign of his present majesty, the Roman catholics of both parts of the united kingdom, especially of Ireland, were incumbered and weighed down by the grievous pressure of many rigorous restraints, penalties, and disabilities. It became the generosity, it became the wisdom of parliament, (for on such subjects generosity and wisdom are the same,) to emancipate them from these burthens; and by several successive statutes, in the
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space of about fifteen years they have been accordingly so emancipated. They are in respect of property capable of inheriting and taking by devise for their own benefit, and of alienating and disposing of property in all such ways as it is competent to any other of his majesty's subjects to take and dispose of the same. The education of their children, and the choice of their marriages, are equally unrestrained to them. The enjoyment of their religious worship is equally free and public. The avenues to emolument and eminence in the practice and profession of the law are equally open to them with their protestant fellow subjects. The right of serving on grand and petit juries, and upon all inquests civil and criminal, is the same to them as to others. The right of voting in counties for members of parliament has been conferred on them; a capacity to become justices of the peace is capable of being communicated to them by his majesty's commission of the peace in the same manner as it is to other subjects; that is, of course, under the check and control of a sound discretion to be exercised on the part of the person holding the great seal, as to the objects to which it should be granted. All military and naval commissions, except those of principal command, and all offices, except a very few of the great offices of state, and the higher judicial offices, are attainable by them.

If, in the beginning of the year 1778, any person had ventured to predict to them, that such would in the course of a very few years be the condition of a people then labouring under the restraints, penalties, and disabilities, I have alluded to, he would have been regarded as a rash and hardy utterer of a vain prophecy, which had not the remotest chance of ever being accomplished. However, in the compass of fifteen years, by the gradual removal of civil and religious, and of some political restraints, they have attained the accomplishment of all which, in their relative situation to the establishments of the country, they can consistently ask, or we can, with due regard to our situation as trustees for them and others, consistently bestow. Their emancipation from civil and religious restraint as affecting themselves, and the rights to be enjoyed by them individually, is entire and complete; if it be not so, let it be shewn wherein it is in any instance defective, that the defect may be, if practicable, instantly supplied and remedied. Of the condition of the catholics as his majesty found it at the commencement of his reign, loaded with the penal restraints and disabilities which the

the sufferings and the fears of former times had cast upon them, and as he will hand it over to succeeding times, it may be truly said, "*Lateritiam invenit, marmoream reliquit.*"

Catholic emancipation, as it is improperly called, if that term is meant to denote and designate any slavish subjection as still subsisting on their part either in respect of person, property, or the profession of religious faith, or the exercise of religious worship, has been fully attained. The only remaining emancipation which they are capable of receiving must be acquired by an act of their own, by redeeming themselves from the foreign bondage and thralldom under which they and their ancestors have long unworthily groaned, and from which the state, as it has neither imposed nor continued it, has no adequate means of relieving them consistently with the duty of self-preservation which it owes to itself. Every state claiming and exercising independent powers of sovereignty, has incidentally belonging to it, as such, the power of binding its subjects by laws of its own, not only paramount to, but exclusive of any authority or control to be exercised by any other state whatsoever. In so far as any other state or person is allowed to exercise an authority breaking in upon this exclusive and independent power of legislation and enforcement of authority in one state, to that extent such state so intrenched upon is not sovereign and independent, but admits itself to be subordinate to, and dependent upon the other. The declaration contained in the oath of supremacy, which expresses a denial and renunciation of the existence of any power and authority in respect of ecclesiastical and spiritual matters in any foreign state, potentate, or person whatsoever, is but the affirmance of a proposition which is logically and politically true as an essential principle of independent sovereignty, applicable not to this government only, but to every other government under the sun which claims to possess and exercise the powers of independent sovereignty.

It is not only true as a maxim of government, but essentially necessary to be insisted and acted upon, also, in all cases in which obedience may become questionable, in order to give the state that assurance and test which it has a right to require and receive from its subjects, of their entire submission and fidelity in all matters to which the power and authority of the state can extend. But, it is said, that what is prayed by this petition is not a matter which impugns the authority of the state in matters to which its authority extends. That the re-

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serve made by our Roman catholic brethren is only in favour of matters which concern God and their own consciences ; matters of mere abstract faith, and mental persuasion. That however is not so ; the pope, in virtue of his general spiritual authority, claims authority in matters of morals (*i. e.* of moral conduct, and which extends to all the acts of man) as well as in matters of mere faith : he claims and habitually exercises on some subjects a power of dispensing with oaths, and in that respect of nullifying all human sanctions whatsoever, as far as they affect the conscience through the medium of oaths ; he claims and exercises by himself, and delegates to others, an effectual, or supposed effectual, power of absolution. What fatal effects that power, as exercised by the Roman catholic priesthood and applied to a credulous multitude, is capable of producing upon the civil and political condition of that community in which it is allowed to prevail, let the recent experience of Ireland during the late rebellion attest, where wretches, reeking with the blood of their murdered countrymen, have been purified from the guilt of past atrocities, and prepared for the commission of new, by the all-atoning virtues of popish absolution ; such a power as this over the conscience, engrosses and directs more than half the faculties and energy of the entire man, &c.—But, besides the spiritual power thus capable of being, and thus being in fact abused, the ecclesiastical power of the church of Rome over its obedient sons is enormous. It establishes and sustains in the instance of Ireland, an hierarchy dependent on the see of Rome as to the original nomination and subsequent control of its bishops and pastors, through the medium of which it enforces an obedience not in matters of faith only, but in temporal acts and concerns immediately connected with the duties and habits of ordinary life ; not only in the payment of money for the maintenance of the local ecclesiastical establishment, or for such other purposes connected with their political œconomy as may be thought fit by the same authority to be enjoined, but in the performance also of rites and ceremonies, particularly that of marriage, from which all civil rites originate, and which they enjoin to be performed by their own ministers exclusively, thereby ousting the law of the land, and endangering or destroying the legitimacy of its subjects, and all rights of descent, inheritance, and representation founded thereon. The power of excommunication is, in the hands of their clergy, a most powerful and dangerous engine, not of spiritual and ecclesiastical only, but of temporal

poral power. It acts at once upon all the comforts of domestic and social life in this world, and upon all the hopes and expectations of happiness in that which is to come. With what harshness and rigour, and with what daring defiance of the established law of the land, this most operative power of interdiction has been recently applied; not to a few individuals only, but to large multitudes of people, a noble and learned lord detailed to us on a former evening. Why such an enormous conspiracy in the several parties concerned, against the established laws and government of their country, has, if fully known, been suffered to pass unpunished, I am at a loss to conceive. I can only account for it on a supposition that some insurmountable difficulties may have occurred in the obtaining of witnesses who would venture to come forward and state such facts upon oath in the face of their spiritual directors, or that a distrust of the disposition in local juries to convict under such circumstances has prevented the institution of such prosecutions as would otherwise be proper for the correction of such crimes. Certainly these or some other adequate reasons must have operated to produce a temporary impunity, in cases where the safety of the state and the protection of its subjects from the enormous excesses of illegal authority seem to have so much required the application of immediate and exemplary punishment. I am persuaded it could not proceed from a want either of zeal or courage in those whose immediate duty it is to call forth and apply the energies of the law on such important occasions; for I am well assured and know that the public spirit and manliness which heretofore distinguished the profession of the law in that country, has by no means expired in the person of Lord Clare.

These are a few and but a few of the practical civil inconveniences which might be instanced as derived to the state and its subjects from the authority of the see of Rome, spiritual and ecclesiastical, as it is exercised over the sons of its church; producing as it does a distracted allegiance in the same person, acknowledging and living under the temporal power of one sovereign, and bound in faith and morals by the authority of another, claiming to be his spiritual guide and governor, his ecclesiastical sovereign, and in effect, in all matters of supreme conscientious concernment, God's vicegerent and representative on earth.

It is denied that the effect of this authority was at all mischievously felt during the late troubles in Ireland; and, on the
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the contrary, it is asserted that the rebellion in 1798 was the mere effect of revolutionary principles, fostered, matured, and brought into action by republican leaders, who were not members of the church of Rome.

I admit that the leaders of that rebellion, the Emmetts and O'Connors, were men of elevated views and conceptions, of minds too highly raised above the groveling regards and credulity of the vulgar, to be subject to the weakness of this, or indeed of any other description of religious faith whatever.

I will grant, if it shall be so required, that they were superior to all infirmities of this kind, that they were graduates of the highest class in the schools of republican philosophy, by which I mean "pure, genuine, unadulterated atheism;" but the ranks of that army which their treasons brought into the field were not so filled up. The Roman catholic population furnished, as it *must*, the means, and the priests in many instances, in their own persons, both the inducement and the example of rebellion, by standing forward as officers amongst them in the day of battle, and imposing for some time upon their superstitious and enthusiastic followers the most extravagant fables of their own miraculous exemption from the perils of fire and sword. I admit that their atheist leaders wished at first to give the mischief a republican direction; but the religious frenzy of the multitude and of their immediate directors soon gave it another, as some of the sanguinary and ferocious tragedies which were acted at that period too truly and too fatally testified. Any person who will take the trouble of referring to the history of that calamitous period, and will afterwards recur to the history of the rebellions of Tyrone and O'Neil, will find the transactions of these several periods but too genuine counterparts of each other, and too disgusting a resemblance prevailing between them both, as well in cause as effect. Both followed a period of extreme liberality to the catholics, took place in a season of unsuspecting calm and security, and involved the country in more than the miseries and massacre which are usually attendant upon civil war. We were taught to expect that far other consequences would have followed upon the liberal grants I have already alluded to. We were to have reposed with confidence upon the eternal gratitude of the whole Roman catholic population of Ireland. Nothing however of this kind, that I recollect, was exhibited in fact, beyond what appeared in a few public addresses of the day; a small return of mouth honour; but neither

the king or parliament which conferred, nor the immediate patrons of their cause, who induced parliament to consent to confer these benefits upon them, were very long or gratefully remembered. Two of their first and most active patrons in 1778, had afterwards the unmerited misfortune to fall in the field by the hands of catholic rebels.

Before we proceed to grant more, if more we could grant without a direct surrender of all securities of our protestant church and government, it would well become us to consider how our past liberality and confidence have been required. But we cannot grant more, particularly the boon which is asked of the admission of catholic members into parliament, without putting in peril the whole protestant church and its rights as by law established.

The act of settlement has provided for the protestant succession to the crown of England; it has made the being a protestant the indispensable condition upon which the crown is to be worn by any prince claiming under the limitation in favour of the heirs of the body of princess Sophia, "*being protestants.*"

It has not only required the king to be a protestant generally, but to be of that class of protestants which joins in *communion with the church of England*; and it has excluded papists by industrious description: for it provides and enacts (section 2) that all and every person and persons who shall or may take or inherit the said crown by virtue of the limitation of the present act, and is or shall be reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the popish religion, or shall marry a papist, shall be subject to such incapacities, as in such case or cases are by the recited act (*i. e.* of 1 W. and M.) enacted and established.

So peremptory is the tenor of these provisions in exclusion of a popish prince from the throne of these kingdoms, that if (a case which is scarce within the extreme limits of actual possibility) his majesty himself should become reconciled to the see of Rome, or profess the popish religion, the crown would in that case, by the instantaneous effect and operation of law, fall from his august and revered brows, and he would stand amongst us a mere unprivileged individual, as wholly divested of the rights, functions, name and character of sovereignty, as the meanest peasant of the land: and can it then be supposed that when such industrious pains have been taken by our ancestors to secure to the kingdom a protestant prince,
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that it should be left at large whether his parliament should be protestant or papist? But this was already provided for by the test acts in the reign of Charles II. which shut the doors of parliament in both houses on persons who do not take the oaths of allegiance and supremacy, and subscribe the declaration against popery.

These restrictions on the parliamentary function and character it is now proposed to repeal; and thus the king may be surrounded, not only by ministers of opposite and conflicting religions, but may find in the same persons a divided and distracted allegiance between his rights as their *temporal sovereign*, and the rights spiritual and ecclesiastical of the Roman pontiff.

It is obvious to the most careless observer that the measures of government would be enormously clogged and impeded by the close junction and mutual adherence of the catholic members, amounting in the aggregate to a number in England and Ireland sufficiently large to inforce from a minister a degree of condescension and deference to their demands in favour of the Roman catholic religion, by which the protestant religion might be undermined and endangered.

But if Roman catholic members are to have seats in parliament, there must be also vested in them a capacity of becoming, as well as others, the king's ministers. If the king's ministers are to be taken out of the body of catholics, of what avail will it be that we have secured to us, by the act of settlement and the coronation oath, the solitary individual protestantism of his majesty? So that at the last the whole substance of the provision made with so much anxiety and solemnity by our protestant ancestors will become entirely futile and elusory; for the test acts which preceded the act of settlement, and were the foundation on which alone it could practically rest, must of course be done away before the catholic members can take their seats in either house; the removal of which tests will certainly on principle, and by probable if not necessary influence in point of fact, effectuate a total subversion of the protestant church as established by law within these realms. I think, my lords, it will scarce be denied by any of those, upon the credit of whose assertions your lordships would be disposed to place reliance, that the real aim and object of the persons who so strenuously contend for conferring a representative capacity on Roman catholics, is, through the means of such representatives, to procure for the body at large some further advantages in the way of a recog-

nized church establishment, under the immediate authority of parliament. Upon this head, waving for the present all objections whatever to the religious faith and doctrines of that church, and supposing, what I by no means admit, that the points of faith and doctrine in which our church differs from theirs, are of less essential practical importance as affecting moral conduct than they appear to me to be; allowing them to entertain, and as publicly as they please to profess a belief in transubstantiation and in purgatory, to practice the invocation of saints, and to believe and inculcate the belief of (what protestants consider as) a legendary chronicle of unauthentic miracles; giving them all facilities of public and private worship and profession of faith on these and every other subject, if there be any yet wanting and required on their behalf; still an establishment for their church, concurrent with that of the united church of England and Ireland, exceeds even the competence of parliament itself, constituted as it is, to bestow. By the 5th article of the union, it is declared that "the continuance and preservation of the said united church as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union." By *fundamental* is meant, with reference to the subject matter, such an integral part of the compact of union formed between the two kingdoms, as is absolutely necessary to the support and sustaining of the whole fabric and superstructure of the union raised and built thereupon: and such, as, being removed, would produce the ruin and overthrow of the political union founded upon this article as its immediate basis. The words "the established church" import that there shall be only one church of that description, and which shall alone have the privileges, character, and denomination of an established church annexed to it. These terms necessarily exclude any other co-ordinate and concurrent establishment; every other church which has any thing beyond what we commonly understand by the word *toleration* allowed to it, may be considered as so far established within the meaning of this article; and the union of course, in virtue of such allowed establishment, not only to a degree impugned and violated, but by the express letter of the precise and peremptory provision referred to, absolutely deprived of its very essence and foundation; in other words, substantially destroyed and subverted. I will hope, therefore, that on further consideration the utter impracticability of such a project, consistently with the good faith of the two kingdoms solemnly pledged to each other

other at the period and by the compact of the union, will be so apparent to all who are at present striving for its adoption, as to dissuade them from the further prosecution of a measure which, as it must commence in a violation of public faith and political rights, must also terminate in disappointment and dishonour.

I am one of those, my lords, who labour under an unfortunate persuasion that even if this could legally be, and in fact were granted to them; that if the Roman catholic religion were already established in Ireland in some degree of communion and participation of privileges with the united church, that even this grant and indulgence, large as it might now appear to us, would be followed by fresh demands and increased importunity. What assurance is there that they would rest contented with this boon? or would not the broad banners of papal supremacy be immediately unfurled, and the exclusive domination of the Romish church in Ireland be authoritatively claimed on the ground of this very concession, and of that majority in the population of that country, which alone confers the right (as they contend) of establishing the protestant religion as the religion of the state in this country? Compared with the value of this ultimate prize, the objects hitherto obtained in the struggle would be vile and worthless in their estimation.

*Jam tenet Italiam, tamen ultra pergere tendit
Actum inquit nihil est, nisi pœno milite portas
Frangimus et mediâ vexillum pono suburrâ.*

Before it is yet too late, I for one am disposed to rally round the standards, and to preserve the altars, of my country. The palladium of our protestant, and indeed of our political security, consists principally in the oath of supremacy, and the tests connected therewith, and (as more particularly concerns Ireland) in the provisions contained in the 5th article of our recent union with that country, against every attempt to weaken these safeguards of the constitution. I, as long as I live, and am furnished with faculties either of body or mind enabling me to struggle with effect, will manfully struggle, and, as far as in me lies, will avert the mischief which must result from the admission of persons, (owning and yielding, as they do, an imperfect and defalcated allegiance to the state,) into the entire and perfect rights of completely affianced subjects.

Not being able, my lords, to feel any material degree of evil in the present state of political restraint, as it is necessarily
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for their good as well as ours, and in the prevention of common calamities affecting us all, applied to our Roman catholic brethren in Ireland; and seeing a sure prospect of enormous and incalculable mischiefs before me, which must immediately result from a change:—as a subject interested in the safety of the crown and kingdom; as a protestant interested in maintaining the possession of that pure and reformed religion, which having been in times past preserved and sanctified to us by the blood of our ancestors, has been by God's providence long and firmly established in these realms, and which is inseparably knit together in one system with all our civil rights and liberties, with our best means of happiness here, and our best hopes of happiness hereafter; I feel it my duty, my lords, *now and for ever*, as long as the catholic religion shall maintain its ecclesiastical and spiritual union with, and dependence upon the see of Rome, to resist to the utmost of my power this and every other proposition which is calculated to produce the undoing and overthrow of all that our fathers have regarded, and ourselves have felt and know to be most venerable and useful in our establishments both in church and state.

The *Earl of Moira* expressed a wish that the question should be relieved from a great deal of extraneous matter with which it had been encumbered, and that it should be brought to the test of that plain good sense on which he conceived it to rest. He thought the complexion of the present times demanded that every exertion should be made to procure an unanimity of heart and mind in the cause of the country. It was very true, that to give the catholics the privilege of admission to the few offices from which they were excluded would be giving them little; but the gift would shew a disposition to conciliate and to win their affections, which would be in that point of view important. He was surprised to have heard it said, that the petition tended to throw the torch of discord into the country; on the contrary, he was of opinion that the object of it, if properly attended to, would tend to establish that harmony which was most essential to the country at the present moment. At the same time that he made these observations he wished to speak with the utmost respect of the established church, but which he did not think would be endangered or injured by granting the catholic claims. He wished, therefore, that the petition should be referred to a committee, for the purpose of considering whether any danger could really arise from conceding those claims; and if it should

should be deemed not prudent to grant the whole, whether any part of those claims might be safely admitted; as he wished it to be understood, that in the committee he should certainly be desirous of weighing well each object which the catholics had in view, and investigating in what manner it would operate with respect to the church establishment, before he gave his consent to the admission of the claim which it involved.

Earl Darnley, after lamenting the very late hour and the exhausted state of the house in which he rose to address their lordships, said he could not, even under such disadvantages, avoid doing what he felt to be his duty on a question of so much importance, and must therefore request their indulgence while he stated some of those reasons which induced him to assent to the motion; and took notice of some of the arguments which had been adduced in opposition to it. Before he did so, however, he was ready to confess his disposition to assent to the opinion of some noble lords on the other side of the house, with respect to the time in which the question was agitated. Had he been consulted by the catholics of Ireland, he certainly should have recommended to them to abstain from pressing their claims at a period which was generally known to be peculiarly unfavourable for many reasons, into some of which he did not feel himself at all called upon to enter, but which were very generally known. But he certainly thought the present disposition of the country in general was adverse to the adoption of the proposition, however much he might be convinced that it was founded in reason and justice, and must therefore, sooner or later, ultimately prevail. Since, however, it had been decided that the question should be agitated in parliament, their lordships would agree with him that it could not have been placed in better hands, and that the propriety and moderation were as conspicuous as the ability with which it had been introduced by his noble friend. And here he could not help animadverting on the unfair and groundless imputation which had been cast upon the introduction of the proposition by some noble lords who had spoken in the debate, as if it could have been introduced as a party question, or in any respect to answer party purposes. In the first place, the noble lord who had opened the debate most solemnly disclaimed such an intention, and was fully entitled to credit for his assertion. But a better proof than the assertion of any man was the manifest absurdity of such a proposition.

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The party with whom he had the honour to act, which had been sometimes honoured with the appellation of a faction, (a faction, be it observed, composed of almost every thing in the country respectable for wealth, birth, and talents,) certainly enjoyed in a great measure the confidence and good opinion of the people of England, which their opponents the ministers had forfeited. At such a period the introduction of a measure which was known to be unpopular, and in opposition to very general, however unfounded, prejudices, could never be stated as intended to promote party views. In adverting to the different arguments which had been used by other lords on the other side of the house, Lord Darnley said he had some satisfaction in speaking so late, inasmuch as the task had thereby fallen to others of replying to the speech of the noble and learned lord, (the Chancellor of Ireland,) which he could not help considering one of the most extraordinary speeches that had ever been uttered in parliament. Considering both the arguments used and the person who had used them, it certainly merited all the reprobation which it had received. He had, however, the greatest satisfaction in congratulating the house on the very different tone which had in general prevailed, and especially in the two last speeches on the other side (the Bishop of St. Asaph and Lord Ellenborough). The reverend and learned prelate, in particular, had expressed himself in a manner which did him the highest honour, and the only ground of surprise was the circumstance of the reverend prelate's appearing to be influenced by those extraordinary arguments and assertions which had been contradicted as unfounded by noble lords best acquainted with the state of Ireland. The reverend prelate appeared to have received from that learned lord some new lights with respect to the catholic religion, which had induced him to change his opinion as to the propriety of removing the political disabilities, according to the prayer of the petition, which he at first imagined might be granted without endangering the established church or the protestant succession. For himself, Lord Darnley said he could assure the house, that if he could be persuaded that either the one or the other would be in any degree affected by the concessions prayed for, he would be the first man in the house to oppose them; but, according to his view of the subject, so far from having this, he was firmly persuaded that this measure of conciliation would produce a directly contrary effect, and, by uniting all the hearts

hearts of his majesty's subjects, would afford the firmest security to our establishment both in church and state: not indeed if these remaining concessions were made in the same spirit, and in the same ungracious manner as those which had formerly taken place in Ireland; but if they were granted (as he trusted and was persuaded they sooner or later would be granted) in the true spirit of conciliation and peace. And this led him to advert to the history of Ireland with reference to this question, which had been dwelt on with so much self-complacency by a noble earl opposite, (Westmorland,) who had administered the affairs of that country at the period of the last concessions to the catholics. The period of the revolution had been dwelt on by many who had spoken in the debate with satisfaction; and he was as ready as any man to do ample justice to that great æra of the establishment of the civil and religious liberties which we now enjoy:—the catholics of Ireland must, however, date from thence the extinction of their liberties, and the commencement of those sufferings which they have borne with such exemplary patience, and repaid with such distinguished loyalty. 'Till the auspicious reign of the present king, their situation was that of the most abject slavery, and they were a proscribed race in their native land, and compelled to submit to the most harsh and degrading system of laws that perhaps ever was framed. The policy of this system he did not arraign, severe and cruel as it was; it might, in some degree perhaps, have been justified by political necessity; and he mentioned it only to do justice to the exemplary conduct of the catholics under such circumstances. During the rebellion of 1745, when Lord Chesterfield was lord lieutenant, their loyalty and attachment were conspicuously manifested in favour of the protestant king on the throne, against the popish successor of him who had been expelled on account of his attachment to their cause. Again, in 1759, when a French armament was ready to invade Ireland for the express purpose of restoring the exiled family, and when a partial invasion had actually taken place, their attachment to the establishment, under which they suffered so much, was again most conspicuous. Under these circumstances, and in consideration of their loyalty and good conduct, as was expressly stated, his present majesty was advised to remove some of their chains. In 1774, the oath of allegiance, which they now take, was enacted. In 1778, some of the most galling and degrading parts of the code of popery laws was abrogated.

In 1782, they were admitted to the rights of property; and finally, in 1793, every thing that remained, including many important civil rights, was granted, with the exception only of those privileges for which they now petition. Undoubtedly the catholics of Ireland have received great and important advantages during the present reign; but I cannot agree with those who are so forward to tax them with ingratitude, when I consider the manner in which these concessions have been made, especially the last and most important ones in 1793. Indeed, the concessions have all appeared to proceed rather from the fear of irritation in times of public difficulty, than from any thing like an enlarged and liberal system of policy. But this observation applies particularly to the last concessions. Your lordships all recollect the manner in which the French revolution had unsettled men's minds, and the wild theories of liberty and equality which were generally entertained. The Irish catholics, as might reasonably be expected, thought the moment favourable for urging their claims, and, in consequence, they petitioned the parliament of that country in the year 1792, to grant the remaining privileges which they now enjoy. The Irish parliament rejected their application with scorn, by a division of two hundred and twenty-eight to twenty-three. During the next recess, all the protestant gentlemen throughout the country, corporations, and grand juries, backed by the authority of government, pledged themselves to support this vote of parliament; and yet, in the very beginning of the following year, the same parliament and the same government almost unanimously and tamely conceded what they had a very few months before so contumeliously rejected. No circumstance having intervened, except increased public difficulties, increased boldness of the catholics, and this inconsistent change in the conduct of government, can it be expected that they should feel any very lively sentiments of gratitude for favours so refused and so granted? When the union was in agitation, (said Lord Darnley) I stated this instance of mal-administration in the government, and profligate inconsistency in the parliament of Ireland, as sufficient alone to justify that great measure; and I now again state it to prove how little reason the catholics have for very warm gratitude to those who so conferred the favours they have received. Was it to be expected that, under such circumstances, the catholic body should rest contented, or that they should not be tempted to expect that what remained would also be conceded, or indeed could not be

be refused by the Irish parliament? This was another argument for the union; for it was truly stated that whenever the two legislatures were united, the catholic claims might be discussed with every possible advantage, and that they might be safely trusted to the temper and moderation of the imperial legislature. The catholics certainly might reasonably entertain the best hopes that they would be granted; for they must have felt that the united parliament would be without those prejudices, and that intolerant spirit, which they had fatally experienced in the protestants of Ireland. I wish not to dwell upon the unhappy rebellion of 1798, which has been more than once adverted to in the course of this debate, except to give my most decided opinion, that it ought not to be deemed a catholic rebellion: most of the leaders happened to be protestants; it originated in the jacobin principles of the united Irishmen, to whom religion was a very subordinate consideration; and although it is true that a majority of those concerned in these sanguinary scenes were catholics, and though the greatest atrocities were undoubtedly perpetrated by some catholic priests, it would be very extraordinary if both these circumstances had not taken place in a country where four-fifths of the inhabitants are catholics, and where there was also necessarily a large number of ignorant and bigoted priests. That there were equal faults on the other side, I am persuaded. That the zeal of the Irish protestants has been productive of consequences as fatal I cannot doubt; but on this subject I forbear to dwell, because I know it would sound harsh to some of my hearers, to whose loyalty and merits I am ready to do ample justice. My lords, it has been said that the catholic body in general is not interested in this question, which only regards a few of the higher ranks; but I can never agree that the whole body is not degraded and insulted by this mark which is set upon them, in excluding any of its members from the chance of ever being highly useful to their country. "But," say their opposers, "we have given every thing else, we never will concede to them power. They have all the civil advantages under the state, but they shall not become *the state itself*." Now let us consider to what extent this power would go, supposing it granted to catholics disposed to abuse it. The few seats they could obtain in this house could never be considered of consequence. Indeed, exclusive of the five or six English peers, who would afterwards have an irresistible claim, as it regarded Ireland only, not one single member, according to the present mode of election,

election, could be admitted unless nominated by the minister. The argument with respect to the other house deserves more consideration. That some catholic members would be elected is unquestionable; but I am inclined to think the number would be very small indeed. Some lords who have spoken have maintained the extravagant supposition of the whole number of one hundred being catholics. Others have maintained, with some degree of plausibility, that in those counties where the majority of freeholders were catholics, the members would of necessity be so likewise, grounding the supposition on the assertion that they would all be rather guided by their priests than by their landlords. I profess myself of a contrary opinion, even if you suppose that, after these concessions, the old invidious distinctions of civil and religious animosity combined, will necessarily be kept up. Much will depend on the manner in which the boon is granted. That it will, that it must be granted sooner or later, I am prepared to maintain; for although I am not sanguine enough to expect a majority in favour of this motion, I never can doubt that what I consider the course of justice, of sound policy, what I will even call the cause of the protestant establishment, must and will finally prevail. Remove with a liberal hand, and with an enlarged system of policy, all civil disabilities on account of religion, and I am persuaded that, in a very few years, all sects of christians will become equally good subjects; and it will never enter into any man's head to inquire whether a candidate for parliament or for office is of the established religion or not. But we must not confine our views to the simple adoption of the measures prayed for in the petition before the house, indispensably necessary as I may think them for the welfare of the British empire in general, and of Ireland in particular. The abolition of the catholic hierarchy in Ireland has been called for as necessary to the tranquillity of that country; but I so totally differ from the noble and learned lord, that instead of abolishing it, I would render it the means of reconciling to the state and to the constitution the great mass of catholic population. I see no reason why the bishops should not be placed under the protection of government, and why they should not be both nominated by the king, and paid by the public. By such means, and not by the absurd proposition of converting the Irish catholics to the established religion by translating the Bible into Irish, may we hope to see them good and loyal subjects, especially if the whole system of policy

licy by which that unhappy country has been governed, should be reversed, and that, instead of keeping the people in ignorance and barbarism, a liberal and well-digested system of instruction should be adopted, and encouragement afforded to habits of industry, and respect for the laws.

Lord Darnley concluded by lamenting his inability to enter into a variety of other considerations which had presented themselves to his mind, fatigued and exhausted as both he and the house were.

The *Earl of Chichester* commented briefly upon the statements of the former noble earl, and was of opinion, that the best mode of deciding the question would be in a committee.

Lord Auckland having expressed a decided opinion respecting the petition of the Irish Roman catholics on its first introduction into the house, had purposely waited to this late period of the debate, that he might learn the sentiments of others. The discussion was now so exhausted, that he could compress what he had to submit to their lordships within narrower limits than he should have thought right if he had spoken earlier. His noble friend who presented the petition had stated that it involves the interests and happiness of four millions of people; his noble friend might have said that it involves the interests and happiness of the whole British empire. In agitating a question of such extent and magnitude, he was desirous to use a guarded and conciliatory language; but he must not be expected to sacrifice truth and fair argument at the shrine of flattery; nor would he be induced to withhold or extenuate any just reasonings that might present themselves to his mind. He saw nothing improper or disrespectful in the style and temper of the petition; nor indeed was it to be supposed that individuals making a great request, would express themselves in repulsive and offensive terms. He had not, however, adverted to the wording of the petition so much as to its purport and objects; and it was well worthy of remark, that the whole bears a strong resemblance to the memorable declaration of James the Second, in 1687, for the liberty of conscience. There are in both instruments the same plausible professions of anxiety to conciliate and unite all religious persuasions, the same gracious promises to respect the property of the established church, the same appeals to the interests of trade, which always vibrate forcibly on a British ear, the same display of a generous earnestness to open every avenue of legalized ambition, and all this as a prologue to the demand of a full and equal

equal participation of power, and of the means of acquiring power. Their lordships would recollect that this declaration was soon followed by another, which notified that papists had been appointed to all the principal offices of the state, and recommended to the people to send papist representatives to the new parliament.

From the epoch of that inauspicious precedent in 1687, to the æra of French fraternity and Irish rebellion in 1798, the notions of an equality of political power had been suffered to lie dormant. During the greater part of that long period the Irish catholics had been subjected to a system of intolerance and restraints much too severe to be defended except on grounds of a real or mistaken necessity; and even so lately as the 12th of his present majesty, an act was passed "to enable papists to take not above fifty acres of unprofitable bog, with half an acre of arable adjoining, for not above sixty-one years."

The first measure of any extent in favour of the Irish catholics was in 1778; they were then empowered to take long leases, and were relieved from various incapacities affecting both their properties and persons. The next material act for their benefit was in 1781; when he (Lord Auckland) was chief secretary, and a member of the Irish house of commons. It is well known that he gave no discouragement to that act, which, in addition to various indulgences contained in it, enables papists to purchase and to hold estates, with the exception of advowsons. He had gladly contributed to give to the Irish catholics an interest in the soil, and consequently a more immediate attachment to the welfare of the community. But it never entered into his mind to allow any share of the powers of government and of legislature. The jargon of emancipation was then unknown, the æra of modern illumination was not yet arrived, that æra when it would be thought safe and practicable to maintain the limited monarchy and established church of England without test laws, and without any restraint or incapacities affecting any description of sectarists.

The next and last concessions of any importance were those which took place in 1792 and 1793. His noble friend who opened the debate had been pleased to say that all the framers and supporters of these measures must reflect on them with pride and satisfaction. His near relation (Lord Buckinghamshire) had expressed a similar sentiment that evening; and certainly it was an amiable and natural weak-
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ness in parents to speak with rapture and admiration of very depraved and ugly children. He (Lord Auckland) had always contemplated the abrupt and improvident concessions of 1793 with dissent and regret; he had done so in common with two very respectable friends, the late Lord Clare, and the present chancellor of the Irish exchequer. Those concessions placed the protestants of Ireland in a relative situation, which impressed on every observing mind the urgent necessity of a legislative union of the two kingdoms, and yet they tended to increase the difficulties of a measure which thus became essential to the peace and safety of the empire. But great as those concessions were, they only served to stimulate the appetite of the Irish catholics for further claims, and, in 1795, the lord lieutenant (Earl Fitzwilliam) shewed a strong disposition to gratify them to the full extent of their wishes. Happily he was not supported by the government of that day, though it was composed of the same individuals who now urge the same measure for which they recalled the noble earl from his vice-royalty. The career of concessions to the catholics was soon afterwards interrupted by the rebellion, over the horrors of which he wished to throw a veil, and afterwards by the discussions and arrangements which eventually accomplished the union of the two kingdoms. In the result a period of comparative tranquillity had now been attained, and the Roman catholics and their advisers thought it eligible for the present application.

What then is the purport of that application? Nothing less than a full participation of all corporate franchises within the empire, and of all official, judicial, and legislative powers! In examining the tendency of this gigantic grant, (which in truth is of small moment to the bulk and general population of the catholics) we must presume that it would be efficient; for if its operation were to be as insignificant as some noble lords seem to expect, there would be either a fallacy in the demand or a duplicity in the concession.

Perhaps it would not be difficult to shew that such a grant would be an infringement of a fundamental article of the union with Scotland, and also of the fifth article of the Irish union. But he wished to negative the petition on a broader ground. His noble friend, whose eloquence and argumentative powers had introduced the application with every possible advantage to it, had admitted that it could not be statu-

as a claim of right; certainly it could not. Every legislature has the inherent power of qualifying and restricting the possession and exercise of civil privileges for the benefit of the whole community. It is that power which regulates the qualifications of the electors and of the elected, the rights of succession, minorities, marriages, and all the limitations of property; it pervades the whole system of our laws; a denial of it would tend to individual representation, to an agrarian distribution, to universal equality, and to general confusion.

Still less can the petition rest itself on the ground of toleration. The petitioners indeed allege, that they are "entitled to a toleration not merely partial but complete;" and yet they well know that they already possess what they describe, and that *ex vi termini* those who are tolerated cannot share the power of those who tolerate. In the benevolent temper of our toleration we do not restrain the exercise of any religious persuasion. But we feel and know that our own reformed religion is most congenial to the spirit of our free constitution; that the protection of the one is the protection of the other; and, above all things, that it would not be safe to admit within the pale of our government and legislature, a sect which professes a religion essentially adverse to our religion. The tests prescribed by the wisdom of our ancestors for the exclusion of that sect have nothing to do with toleration; they were framed on the plain and evident presumption of law, that he who receives the sacrament of the church is of the church.

Again, he had been glad to hear it avowed by the noble mover of the question, that the petition cannot rest on any assurances given or compact made at the time of the union. In truth it was impossible to make such a compact without the concurrence of parliament; and if such a consequence of the union had existed in the mind of any individual employed to frame the articles, it should have been stated at the time, both in good faith to the Irish protestants, and in the honest discharge of duty to the respective parliaments of the two kingdoms. It would ever be a consideration of just pride to him, that he had borne no small share in adjusting all the details of that transaction; and he did not hesitate to declare, that if the concessions now proposed were in the contemplation of those with whom he acted at that time, their views were industriously concealed from him, and from others of their associates. It is indeed true, that, soon after the

the union, there was apparently a sudden change in the opinions of some leading persons respecting the subject now in discussion. He did not impute any blame to that change, or doubt its sincerity, but he must be permitted to deplore it. That change had given an irreparable shock to the confidence of public men in each other; and perhaps he could trace to that source many of the distractions and difficulties under which the empire has since laboured.

It appears, therefore, and is admitted, that the petition is not grounded on any claim of right, on any principle of toleration, or any compact, express or implied, at the time of the union. It resolves itself into a question of expediency. In arguing that question he would not cling with a blind attachment to the acts and system of former ages, though sanctioned by the settlement in favour of the house of Brunswick, and by the blessings resulting from it. He was well aware that the objects and principles of legislation must change with the change of times, and must accommodate themselves to the interests and exigencies of the day; but nothing had happened to create a doubt in his mind that the exclusion of the Roman catholics from political power contributed essentially to our free and happy constitution, and ought still to be maintained for the security of that constitution. Nothing had happened to diminish his anxieties for the stability of the protestant church, and of that mild and true religion, which by its precepts and influence is so incorporated with our constitution that they must stand and fall together. If you admit the Roman catholics to a participation of political power, you admit the enemy within your camp. It is a desire implanted in the human breast for all men to extend the predominance of that religion which they believe; nay more, it is the sacred and prescribed duty of the papist, if he be sincere in his creed, to undermine our church establishment—for he believes it to be fatal to the souls of all who belong to it; he must feel that, in demolishing our constitution in church and state, he is rendering a service to his fellow creatures and to God. It is a fundamental principle of the church of Rome to exercise spiritual dominion over the Christian world. The titular bishops, at their ordination, swear "to defend, enlarge, and extend the authority of the Roman church and of their lord the pope." Their metropolitans in Ireland avow the same obligation, and proclaim, at this hour, in their publications, that the spiritual power of the pope is the same as ever. These doc-

trines are indefatigably enforced by the priests on the minds of their parishioners. We must not persuade ourselves that religion is similar to the ordinances of human institution, and capable of being qualified and restrained in its energies by law. The Roman catholics love their religion; its principles are irreconcilable to other persuasions, and its hierarchy is incessantly and indefatigably active, and subject also to the occasional influence of foreign states.

If the sect thus described should become co-ordinate in power with the reformed religion of the British empire; if we once admit the theoretical solecism of a protestant monarch and papist councils; we shall find ourselves in the predicament which the author of "The Pursuits of Literature" emphatically calls a religious anarchy.

Nor would it be possible to stop at the proposed concessions, enormous as they are; if it were admitted that the two religions shall be co-extensive in civil privileges, the establishment of the protestant church becomes from that moment a public wrong. The petitioners are pleased to assure us that they "do not seek to encroach upon the possessions or revenues appertaining to our bishops and clergy." Nothing is so false in principle or in practice as the notion of giving much that nothing more may be asked—

"The cruel something unpossess'd
Leavens and poisons all the rest."

Let it, however, be allowed, that the dangers thus described are not imminent, still they are not chimerical; they are at least such as to make it our duty to maintain the bulwarks which we possess. The bars and bolts of a house may be removed, and the house may possibly not be pillaged; but every prudent man will keep his bars and bolts. It would be a breach of our parliamentary trust to destroy or abandon the great outwork of that constitution under which we have so long enjoyed such unparalleled blessings.

To all who saw the question in this point of view the decision to be taken was obvious and necessary. His noble friend had alluded to the responsibility and probable consequences of such a decision. The petitioners also, by a sort of implied menace, had expressed "their anxious desire to extinguish all motives to disunion, and all means of exciting discontent." If there be any eventual responsibility in this business, it must fall on the heads of those who first agitate a question, of which they must have foreseen the result if they
had

had duly adverted to the known opinions of the several branches of the legislature; of the whole body of the Irish protestants, and of the general mass of the British people. He (Lord Auckland) would be guided, and he trusted that a large majority of their lordships also would be guided, by a due estimate of the opposite responsibilities.

He could not mean to imply any disrespect towards those who give their support to the petition; he knew that they were as adverse as he could be to the equalizing doctrines which had taken root in the minds of many; and he must at least be permitted to pause before he could bring his mind to that levelling liberality which would consider the episcopal protestant church, the reformed church of Scotland, the church of Rome, and all the sectarist bodies within the British empire; as entitled in justice and expediency to the same political privileges, powers, and functions.

Their lordships had seen, within a short space of time, many awful warnings of the visitations of Providence in the fall of states and kingdoms, and in the vicissitudes of human affairs; if those calamities can be traced to innovations in civil government, and to indifference respecting religious establishments, have we not good cause to adhere to a system of which we have had a long and beneficial experience? Let us keep in mind that we have more to risk than any nation under heaven; let us recollect the object of the present long and perilous war; a war already of twelve years duration, for it can hardly be said to have been suspended by the treaty of Amiens. Is it not a war against the spirit of innovation and of change, to which so large a part of Europe has fallen a victim? and did it not commence for the safety of our civil and religious constitution? So long as the ancient barriers of that constitution shall be preserved, he was confident that we had nothing essential to dread, and yet he was not blind to the increasing dangers and protracted difficulties which still press upon us.

Here, then, he would close; he would not enter into a contest of prophecies with some of his noble friends; who were pleased to say, that the day cannot be distant when the demands of the petitioners will be complied with. He saw no such probability, even with the assistance (which he would readily transfer to them) of a few noble persons who vote now against the petition, because they think that "the present moment is not a proper moment."

On the contrary, he hoped and trusted that the well-mean-

ing catholics of Ireland would see and be convinced, that the sense of parliament is pronounced against their application, upon grounds of immutable truth and reason, and at the same time with all that good-will and affection which ought to prevail between subjects of the same sovereign.

Lord King lamented that there should be any serious difference at this crisis between the English protestants and the Roman catholics in Ireland; he wished all differences to cease, and supported the motion as a measure of wisdom.

The *Bishop of Durham* explained some part of his former observations, which had been misunderstood, and continued his negative to the motion.

Lord Bolton—At that very late hour, and after such ample discussion of a subject however important, and from his former official engagements particularly interesting to him, he should think it incumbent upon him to confine the observations he had designed to offer, to a very few points.

The opinion, which upon much reflection he had formed in his mind upon the subject of the catholic petition, was strengthened and confirmed by the frank avowal of intended communication of positive political power to the catholics, which he conceived to be dangerous except under control, which was by no means proposed, and could not well be devised. He thought this experiment the more hazardous, because the language of many noble lords of great weight had declared, that it *must* be granted to preserve the country from imminent peril of fatal discord and disunion consequent upon the refusal. This direct argument of intimidation could not be safely listened to on many accounts, but chiefly because nothing could tend more to remove all limits to future demand, until the very superiority of power might be claimed or assumed. We are exhorted and also warned to these concessions from regard not even only for our own interests, but for our own preservation. The reverse of this he thought the more requisite object of our attention. He entertained more apprehension from the concession than from the refusal. Some noble lords had with strong and pointed emphasis said, that however reluctant to acknowledge it, we were encouraged to venture upon a rejection of the petition from our still confident reliance upon the unshaken loyalty of the catholics, notwithstanding their ill treatment and depression. He would have no reluctance to confess that he did rely with confidence upon the continued loyalty of those catholics who had hitherto maintained it, although he would not allow his
uncasiness

uneasiness on the event of increased power to be thereby reasonably abated. He was disposed to give credit to those catholics for the possession and exercise of good sense as well as loyalty for the guidance of their conduct; and he was persuaded, that with all the drawbacks so strongly enumerated and enlarged upon, of subordination and even oppression (the existence of which, however, could not be allowed), their own reflections would back them to determine in favour of the situation they held in the British empire, to any probable state from alteration, which they could look for by the support and intervention of friendship and alliance with any foreign power.

He would not wish to diminish the just estimate of catholic loyalty, but, on the other hand, it was not to be used by their pretended friends as an occasional and inconsistent argument. Occasional and inconsistent it was, because at one moment we are menaced with the deprivation of all aid from that body without submission to their claims, and at the next we are rebuked for refusal upon the ground of the reliance, which, we know, we may place on their invariable attachment.

The great and prevailing urgency for concession in behalf of the petitioners and their brethren is represented to be, the inestimable object of thus uniting four millions of people in cordial defence of the country. But are we then here also to understand, that this formidable body is to be moved to the joint protection of our country by motives of self and separate interest alone, at such a crisis, after all which has been done in their favour, and after the declarations which accompanied the receipt of such indulgencies? It might surely be expected, and be used as a better and more generous argument, that under such circumstances the pretension to further privileges would be best urged with the exhibition and proof of precedent efforts and exertion from the genuine spirit of zeal and patriotism. There cannot, at any rate, seem to be a position more just and clear, than that every species of menace or alarm, of unsteadiness or apprehension, really manifested and reasonably entertained, should be previously extinguished on both sides, before there can be an arrangement of so important and delicate a nature formed and cemented with hope of secure permanency. This can hardly be argued, or indeed expected to be the case at this moment, and therefore here the objection of the *time* appears to be forcible, and even fatal to the success of the measure at present.

I think.

I think it right, however, (continued his lordship,) now to leave a course of reasoning upon general grounds, which have been most of them noticed, and more ably argued by other noble lords on the same side; I will confine myself to some remarks upon matters more immediately arising from personal observation and experience.

The noble lord, (the Earl of Chichester,) whom with much concern at the time on my own part, and to the great regret of the country, I succeeded in a high official situation in Ireland, soon after Christmas 1783-4, has justly called the attention of the house to the merits of an Irish protestant parliament, at the opening of the first sessions of independency, when the capital was in a manner in the possession of the self-organized volunteers. I will only claim the merit for the succeeding government of pursuing steadily a good system of resolution to reduce into more constitutional form the internal force of the country. This became the more necessary, as the voluntary readiness to take up arms during the war (which, particularly by the catholics, was urged as a peculiar merit) was followed by an extreme reluctance to lay them down after the restoration of peace. Occasional votes of thanks were moved, and too readily assented to in parliament, as the object was in fact only to prolong the continuance of an institution, which had not been regularly acknowledged, and whose existence in a different period might well become a subject of great political uneasiness. Nor was this without accompanying symptoms of more serious nature from internal disquietudes. It was then the good fortune of government to have in manly support of their decisive motion of ultimate thanks to the volunteers, and of recommendation to disembody and return to the exclusive occupations of peace, a distinguished character in eloquence and patriotism, (Mr. Grattan,) who at this moment perhaps in another place is arguing, in his powerful and energetic manner, for the success of a petition, which very many fear would be more dangerous to the established constitution, than were then the unauthorized parades of some corps of catholic volunteers.

It was then too, that another eminent person (Lord Mountjoy) who has since fallen nobly in the defence of his country against the fury of civil commotion, brought forward at the desire of government, and with the warm support of the gentleman before alluded to, the first motion for the establishment of a militia in Ireland. It is a lamentable reflection not inappropriate to the present question, that Lord Mountjoy

joy was the person who introduced the catholic petition into parliament, and who fell the first victim of (in a great degree) a catholic rebellion. These particulars are here introduced, because they were perhaps the means of first bringing to more clear view and more provident observation the real state of the catholic body, and the particular objects and designs, which occupied the attention and stimulated the movements of different descriptions of it. It should seem from what has fallen from several noble lords in this debate to be an idea, that a long interval had happened without any claim on the part of the catholics; and particularly that the notion of *emancipation* (as it is called) from all restrictions, &c. had never been hinted before the year 1788 or 1789. This is a very complete mistake. The noble lord (Grenville) who introduced the present petition has called for a testimonial of catholic loyalty from all those who have held executive offices of government in Ireland. This has been answered by the report of several noble lords in a manner highly to their honour for judgment and impartiality. It shall be attempted in the present personal instance; and this makes it necessary to offer a few words of observation upon the particular period thus referred to: it was during the four or five first sessions of the parliament assembled after the acknowledged independency of Ireland. The great change then brought about had a peculiar and still unfortunately a lasting effect upon the catholics of all descriptions. We may date from thence the more exact object of a systematic restlessness and disorder, not to say absolute disloyalty, in a large proportion of the great mass of the lower orders, and an excited eagerness to obtain introduction to place and power in the higher orders. The methods adopted by both were not well chosen or successful, but they put out of all question the deep root which the objects had taken in the catholic mind.

Expectation of some great and striking benefit had been conceived by the mass of the catholics from the attainment to the country of independency on England. A short time brought this into doubt, and soon after into despair; murmur and complaint ensued at their meetings, and opportunity was then taken by ill designing demagogues and priests of low degree, educated abroad, and fraught with seditious principles, to work upon the minds of the people. They were encouraged to think, that a step had been gained by the now comparative superiority of their numbers in a distinct kingdom, and that the acquisition and enjoyment of real good would

NOW

now depend on themselves by an endeavour at "*separation from England*." Relief from tithes, gain of property and provision without labour, all was to arise from *separation from England*. This too soon became not only a cant word, but a bond of dangerous union.

The Whiteboys arose, and other associations of very mischievous natures, and it is to be feared, that although the vigour of government repressed them at that time and since, the spirit may not be wholly extinguished. From this time also may be dated a great change in the state of things with the catholic community. The weight and influence of the higher orders, especially of the ecclesiastic, were at once considerably diminished, and probably never since regained. At that very time the higher orders manifested their extensive views, first by hints and insinuations, and after a short interval by open claim and remonstrance. Government had thought, that there was some reason to complain of tardiness in exertion and assistance in the suppression of the disorders just alluded to, and there was too much reason to suspect that this aid was held in some reserve for conditional compensation. Under such circumstances, at the commencement of the year 1786, Dr. Butler, titular archbishop of Cashel, then the reputed organ of the catholic causes, a man of considerable talents and great family connection, without any previous intimation, addressed an application or rather a remonstrance to government upon the disappointment they (the catholics) had experienced in the lapse of a whole session without any special mark of favour to them. Long sufferings, expectations and merits were insisted upon, and great ground for strong sense of mortification and discontent was taken, especially as the country had not been engaged in hostilities with any foreign power, or the parliament in any business of particular difficulty or embarrassment.

Every thing therefore was said to be favourable, and that the remembrance of zeal in the volunteer cause during the preceding war ought to have much influence towards their success. It was urged that nothing offensive or suspicious to government could be adduced against them, except an idle supposition of a mysterious connection with the presbyterians, which was in reality only of a temporary and politic nature, to conciliate that ancient inimical opposition, and remove it from obstruction to the accomplishment of their views. It was added, in conclusion, that they would have been satisfied for the present with some introductory privileges, such as the professions and honours of the

the bar and army, as *preludes to the attainment of every thing else*. The answer to this representation conveyed surprise at the matter and manner and time of the remonstrance. It acknowledged that there had existed no foreign war, or any very material object of parliamentary investigation or discussion; but it reminded Dr. Butler, and through him those of his persuasion, that there had been, and there was still not totally subdued, a great trouble from internal disorder and commotion, excited by the catholics and confined to them, and most prevalent in those parts in which the catholic influence was most powerful. It therefore resisted the propriety of any expectation or requisition, much more of any complaint on the score of no favour or concession, when there was no token of auxiliary exertion on their part in support of the tranquillity and good order of the country, disturbed solely by people of their community.

There followed several personal conferences, and they were chiefly occupied in assurances on one side, that if marks of kindness were shewn, there would be a grateful return in effort to quell every remaining movement of disorder and excess; and they ended on the other (after sincere and friendly advice to leave their interests in the care of government, and in the mean time to use unqualified exertions of influence, &c. for the suppression of mischief) with an offer of submitting the claims to parliament, but not without the accompaniment of the *conditional* professions of active gratitude. The hazard of such a reference was thought greater than the probability of success; and there was a conclusion thus put to petition or remonstrance, and happily also soon after to the appearance of open and predatory disaffection. This simple statement is intended to account for the *shew* of reserve from demands during the government of the Duke of Rutland, with, however, the *reality* of ample pretension not then exposed to public remark. But it should by no means be understood as meant to convey imputation, much less a charge of any symptom of disloyalty in the conduct or conception of the principal persons of the Roman catholic persuasion. It is wished, on the contrary, to use this occasion of doing justice to their real principles, and of acknowledging the proof of them in many instances; but it ought not to be disguised, that the great object of final emancipation from *all* restrictions, and the anxiety for even partial relief from time to time, chiefly as conducive to that constant and unchargeable prospective pursuit, had the unfavourable influence of occasional check upon the voluntary and disinterested vigour of any zealous co-operation with go-

vernment. The truth then seems to be, that, allowing them to be good and loyal subjects in their present situation, they have an insatiable thirst for power; and,

“How that might change their nature, there's the question.”

—“Grant power,

“And then I grant we put a sting into them

“That at their will they may do danger with.”

I cannot therefore help doubting at least, whether I should have been disposed, under such impression of still increasing claims upon every accession of favour, to have gone so far in removal of all disabilities as was done in 1793, especially in the instance of the elective franchise. It could not well be doubted by any man, who had a reasonable knowledge of human nature, and was aware of the position and views of this particular sect, that the concession here stated would be chiefly valued as a step to the right of representation. And who can pretend to be answerable for restrictive moderation even there? Temptation, &c. may be incited by the impulse of seeming means and opportunity, and then, in course, a dormant spirit of uneasy ambition might be roused into dangerous action.

“Then last it may—prevent!

“And if the quarrel will bear no colour for the things they are,

“Fashion it thus; that what they are, augmented

“May run to these and these extremities, &c. &c.”

I will not apprehend a mistaken suspicion, from such allusions, that I would entertain an unfriendly, much less an illiberal estimation of the catholic character, or would be found in adverse attack upon their comforts and immunities. If the limit is drawn, where it is, I would readily agree in the opinion of the noble secretary of state (Lord Hawkesbury) that we should regard without regret the concessions already made; and I would cordially rejoice in being able to see a period of safe allowance for the grant of yet more. If I was to speak of individuals, there are many, for whom personal respect would lead me to desire the fullest gratification of their wishes. But I confine not my good thoughts within such a narrow circle: to all who by no prohibited excess or deviation from their loyalty in thought or deed are justly entitled to the rank of fellow subjects, I would studiously endeavour to mark an attentive consideration and concern.

Anoble lord (Spencer) has said, that whilst any incapacities remain, there will be remaining restlessness and complaint. That noble lord has not surely well reflected upon the more than possible danger to arise from admission of this argument as a ground
for

for concession. What is to be a limit or restraint upon this source of disturbance and risk to our own establishment? Incapacities are not unknown to protestants, and cannot be wholly withdrawn from catholics without surrender of even equality. But I am really inclined to think, that sufficient reflection has not been bestowed on the value of what is now in possession or enjoyed by connivance. - They are not friends to the catholics, who speak of their being driven to despair, and of their groaning under long and endless oppression. Imagination often creates more sense of suffering than does reality of cause; and we are frequently led to suppose ourselves objects of pity or disregard by the mistaken or officious suggestions of pretended sympathy. If we for a moment appreciate the real case as it is, and as it is pretended it ought to be, we shall find that no penalties or restrictions remain which can be felt by the great mass of that people, and that not the grant of all which is required, would add a grain to their real wants or wishes; and in respect of the few who might be objects of supposed benefit by the further indulgences, they are excluded only from certain situations by necessary regard for our constitutional establishment, and from which, in fact, they exclude themselves by refusal to aspire to them upon equal conditions with their protestant fellow subjects.

In justice to the liberality of the legislature, let us estimate the value of the last concession, that of the elective franchise! I cannot conceive that a more powerful incentive to habits of industry, and thereby to acquisition of property, could have been conferred; and it must be evident, that the competition was thus made more than equal in favour of the catholics. It ought also to be observed that a protestant legislature, part of it against its own immediate interests and convenience, made this in some degree at least a sacrifice of the comparative superiority and even independence of the protestants, by the necessity imposed upon future candidates for parliament to solicit the favour of even the lower orders of the catholic freeholders. At all events, the token of wish for harmony and good fellowship was manifested beyond a doubt. It is not imputable to the protestant legislature in depreciation of the real boon, that all the benefit to which it was unquestionably conducive, was not derived from it by the objects of its participation.

Long as there shall exist the uncontrolled dominion of factious demagogues of whatever class, but especially that of the monkish priesthood over the minds of these wretched people,

they will not be suffered to exert their resources with uniform and steady attention to any pursuit best calculated for their own advantage, and for the peace and prosperity of the country. And here we may reflect perhaps with regret upon the change (to which I before alluded) in the influence of the higher over the lower orders of the catholic community, which not only weakens the constant channel of communication with government, but disables those, who are in reality the most, if not the only petitioners immediately interested on this occasion, from strengthening their pretensions by the pledge of sure responsibility for the political conduct of the whole body.

I will not attempt to discuss the question of present relation in point of authority or subordination between the several branches of this catholic community in abstract matters of religion. This has been largely considered by other noble lords with sufficient examination of the *imperium in imperis*, the catholic hierarchy. I would simply remark, that here assuredly is an instance of connivance beyond the usual cases of toleration; and I had ventured to regard it as an ever striking proof, admitted by the catholics, of the liberal forbearance of the protestant establishment. What may be the degree of danger which, in case of an allowance of catholic power, may be incurred from temptation and resources in this quarter, also to assume a more independent condition and unfettered acknowledgment, is a subject worthy of very serious reflection.

I will confess that I had persuaded myself of a remedy to all causes of uneasiness and alarm in the last great measure of an union of the kingdoms; I did expect from its accomplishment the removal of those baneful hopes of separation, which had sprung from the independence, and were, perhaps, in reality more adverse to the happiness and welfare of those who entertained them, than essentially dangerous to those against whom they prevailed. In whatever light, therefore, of unfavourable opinion, for the sake of all parties, I had from reflection and experience regarded the measure and the effect of independence, I certainly have altered that opinion in considering it as itself the great demonstrative cause by evident necessity of a successful call for the resource of an union.

The confusion and uncertainty, the speculations and excesses, in short, the total derangement (I will not use the word disorganization) consequent upon the one could not be, after such a trial, so effectually composed and harmonized by any other intervention than that of the other. It is certainly

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to be acknowledged, that all the good expected has not yet been experienced from this measure, especially in its effect upon the quiet and industrious demeanour of the lower catholics. The peace which ensued was of too short duration wholly to erase all idle speculation, and to fix a well regulated content; and the recommencement of hostilities may have facilitated again the approaches of mischievous instigators, to revive the decaying embers of that miserable hope of a fallacious good, in separation from England by the help of foreign aid and maintenance.

Still, however, I venture to encourage the confident expectation, that from the union will ultimately arise a state of order and industrious exertion, which will produce more real and lasting welfare to this people, than all the imaginary promises of every good from the wildest emancipation. Neither time then, or circumstances, are *now* favourable to the entertainment of this petition.—But it has been exclaimed, What, then! is all hope of more fortunate conjuncture, and of more auspicious situation of affairs to be extinguished, and this oppressed people to be driven to comfortless despair?

I would answer with conscientious sincerity, that true belief, indeed, would induce me to place the measure of satisfaction best calculated for their real happiness in a supposed extinction of all views beyond the present *ample means* of comfort and prosperity. Let them be fairly estimated, cherished, and enjoyed; they will produce a harvest of blessings. I dare not at present presume to dream of more, which may be good for them, or safe for us: but God forbid that we should venture to circumscribe the ways of his Divine Providence, which may remove obstacles at present too strong for our attempt to clear away or to pass by. There may (and I wish there may) be future reasons, however unexpected now, to prove the security with which the protestants may grant the competency of the catholics to be entrusted with the fullest participation of rights and privileges: they may, by habits of industry, good order, harmonious concord, social intercourse, mutual good-will, and reciprocal good offices, and by zealous patriotism and loyalty (all indeed having tendency to their own immediate benefit, and therefore the most gratifying to the liberal spirit of the legislature) give encouragement for unrestricted confidence. They may find cause unequivocally to withdraw that barrier (insuperable, whilst it remains in force) of divided allegiance, the obligation to papal supremacy, which a noble lord has most forcibly and most eloquently demonstrated to render vain all pretensions to equal

equal rights by the want of equal conditions. I will not shut out the wish or the hope for such alteration of circumstances; but with our limited power of searching into future chance and change, we can, I think, retain this *possible* expectation, as the only prevention to a positive declaration, that *here, even here*, must be the Be all and the End all. We are, I am afraid, yet only on our own necessary defence. We are obliged in conscience, honour, and duty to ourselves, and to our constitution in church and state, to throw our shield of self-preservation before us, and on it to exhibit the warning motto of "*Ne plus ultra*."

The *Earl of Longford* was in favour of the motion.

Lord Grenville replied. He condemned the assertions made by *Lord Redesdale* relating to the principles and conduct of the Irish catholics, the direct contrary of which he pledged himself to prove if the proposed committee were granted. He lamented that such sentiments should have been broached by such a person; and observed that the calumniated hierarchy had acted directly the reverse of what had been imputed to them. His lordship then adverted to the observations which had been made, that the proposed measure was uncalled for by any county meetings in Ireland, and observed that the most amiable character of the petition was, that it was not produced by any clamour whatever. It had been admitted that the catholic noblemen and gentlemen were loyal and deserving men. If so, where, he would ask, could be the danger of the measure? for none but the noblemen and gentlemen would be expected to hold any situation of important trust in the state. In conclusion, his lordship declared his firm conviction, that the adoption of the measure was necessary to the security of the empire. Let the result be what it would, the discussion must produce essential good. Its general complexion was such as to prove that reason must triumph in the end; success might, for a time, be deferred, but the cause of justice must ultimately prevail.

Lord Sidmouth said a few words in explanation.

The house then divided, when the numbers were—For the motion—

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Majority against the motion	-	-	-	129
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Tellers for the contents, *Lord Dundas*.

For the not-contents, *Lord Auckland*.

At six o'clock in the morning the house adjourned.

HOUSE

HOUSE OF COMMONS.

MONDAY, MAY 13.

Lord Henry Petty's motion was in his absence fixed by General Fitzpatrick for Friday.

LORD MELVILLE.

A message was delivered from the lords stating, that on his own request Lord Harrowby had obtained permission to attend before the committee of naval inquiry. On the subject of the message of this house, requesting permission for Lord Melville to give evidence before the committee, their lordships requested an immediate conference with this house in the painted chamber.

A committee was immediately appointed to confer with their lordships, and on their return, reported to the house,

"That it appears undeniably, by an uniform series of precedents down to the present time, that the course adopted by the lords, respecting the giving leave to the members of their lordships' house to go down to the house of commons, has been to permit the members of their lordships' house, on their own request, to defend themselves in the house of commons, if they think fit, on any points on which that house has not previously passed any accusatory or criminating resolutions against them; and also to permit the members of their lordships' house, on the request of the house of commons, to give evidence, if they think fit, before that house, or any committee thereof, on those points only on which no matter of accusation or charge is at that time in any manner depending against them before that house, whether the same shall then have been resolved by the house of commons or not.

"That the lords had also directed them to acquaint the house of commons, that their lordships, relying with the most perfect confidence that the house of commons are at all times as desirous to preserve the privileges of the lords as to maintain their own, have given leave to Lord Viscount Melville (who had also previously made it his own unqualified request) to go down to the select committee of the house of commons, to whom the tenth report of the commissioners of naval inquiry (respecting the office of the treasurer of his majesty's navy) is referred, to inquire into the application of any monies issued to the treasurer of the navy for naval services to purposes not naval, and whether any, and what representations

tions were made to the lords commissioners of his majesty's treasury, or the chancellor of the exchequer, respecting the withdrawing from the bank any sums of money so issued since the passing of the act of 25 Geo. III. c. 31; and also, into the proceedings had for the recovery of the debt due to the crown by the late Adam Jellicoe; in order to be examined at that committee, if he shall so think fit, his lordship, nevertheless, conforming himself in all respects to the course directed to be communicated to the commons as above."

Admiral Markham gave notice that on Wednesday next he would move for some additional papers relative to the conduct of the admiralty board, at various periods.

IRISH CATHOLIC PETITION.

The clerk at the table having read the petition of the Roman catholics of Ireland,

Mr. Fox addressed the speaker.—I rise, sir, on the present occasion, with no inconsiderable degree of anxiety, in bringing before the house a measure of so much importance, and pregnant with so many great and eventful consequences, distant or immediate; in a degree, indeed, as to exceed in magnitude any measure which it ever has fallen to my lot to submit to the consideration of parliament. On the other hand, while I am conscious of the importance of the task, I am consoled because the duty is agreeable. I certainly do feel, that after the harassing duty, of pressing inquiries, and censuring malversations, which are not only disgraceful to individuals, but also to the country, it is some relaxation on entering upon a subject, on which, far from exercising the painful office of an accuser, I am called upon to plead the cause of justice, of policy, and of wisdom—that I am called upon to advocate a measure, which, in my opinion, must so eminently contribute to the strength and power of this empire, without taking from others any privilege, advantage, or enjoyment, which any reasonable man can believe they ought exclusively to enjoy; but which, on the contrary, should be the possession of all, which must be doubly secured to every class by the communication. Such appear to be the natural effects of those measures to which I have now the honour of drawing the attention of the house, and however embarrassing the question may be to some, and however doubtful it may be to others, at least it will be admitted, that the principles on which it is agitated, and on which the conclusions

sions they point are founded, spring from sentiments of general good will and common affection.

That the question is one of the first importance will not be denied, when I state merely that the petition which I now propose for your consideration does in fact include the claims of at least one-fifth in number of all his majesty's European subjects; that it comprehends the wishes of between three and four millions of persons. Happy I am, however, as I have already hinted, that I do not press the claims of the petitioners as hostile to the rights or enjoyments of others; and if the house, upon due examination of the claims of the petitioners, shall extend to them that justice which they appear to me to deserve, I shall have been instrumental in performing a service most essential to the security, the greatness, and the general weal of the empire.—Upon matters so various and extensive as those to which the petition naturally draws our attention, it may be difficult to choose where to begin. The first argument, however, which occurs to me, springs from the numbers of those who are interested in the fate of this petition. Indeed, had I not understood that the subject had given rise to doubts and debates, I should have thought it impossible there could be a question whether, upon general principles, so large a portion of his majesty's subjects were entitled to an equal share of political privileges with their fellow-citizens. Perhaps the general point may not be disputed, but it will be urged that particular circumstances may justify an exception. Upon this point I must request the attention of the house for a few minutes, which may be useful to clear our way before proceeding farther.—What I am about to state may indeed seem to be matter of theory rather than of practice. It may be thought then, that there may be some difference whether we state the claims of the catholics as rights to be acknowledged or indulgences to be conferred. I believe, however, that as to the practical conclusion, there will be little difference, and that in the theory the difference will be more in words than in reality. For my own part, I confess I am inclined to adhere to the form of speaking which was more in fashion about a century ago than now, and to say broadly, that I consider rights to power, to equality of laws and of privileges, to be paramount, that they belong to all the members of the state. At the same time when I lay down the principle generally, I do not deny that the supreme law, the *salus populi*, may sometimes justify exceptions to the rule. This subject has been considered by

many able men in the closet, and laid down by some with more, by some with less, generality. Dr. Paley, a writer undoubtedly of great ability, though he inclines to put the theory differently in words from that form which occurs to me as preferable, says of the original right of government, that it is "a right to do whatever is necessary for the general weal." But, on the other hand, it cannot be denied, that the people have a right not to be restricted, unless where restrictions are necessary on some, for the general good of the whole. This, therefore, will bring us to the same practical conclusion. I say that men have a right to be free from unequal restrictions; yet I do not deny that unequal restrictions may, in some circumstances, be justifiable. If restrictions are unnecessary, they ought not to be continued; that is, in other words, men have a right to the enjoyment of political privileges, when no necessity, founded upon common good, exists for the deprivation. Some would say, therefore, "We are willing to grant this or that, on considerations of policy." I would say, Grant it as a matter of right. It will be found, however, that there is really no great difference between us in the end; because it is in the one case allowing the right to hold, where no sufficient ground of exception exists: in the other it is conceding that which no danger prevents from granting. I was desirous of saying these few words upon this subject, because, in all probability, this discussion will not be only the question of a day, but may be frequently under our consideration. It is to be wished, therefore, that we should understand each other, and not dispute about forms of enunciating certain propositions which, however put, lead to the same practical conclusion. The application of these considerations to the catholic question then obviously is, that they, the catholics, have a right to equal political privileges with others, when the exercise of those privileges would not be dangerous to the state at large. In this application, I may think that nothing but necessity can justify the departure from the general principle; others may be contented with expediency, or a much less urgent and visible necessity. But I flatter myself that, as we proceed, it will be found superfluous to dispute about nice shades of distinction, about the degrees of necessity or of expediency, and that we shall find that the privation of political privileges to which the catholics are condemned, is wholly unjustified by any circumstances that ought to call for the denial of the right, or the refusal of the indulgence. I say, then, that the catholics

catholics have an equal right with other subjects to a participation of political privileges, but we know that government has thought proper to curtail those privileges. Whether the penal laws against the catholics were originally justifiable or not, it is not at all necessary to inquire. It is proper, however, to attend a little to the time and manner of the restrictions imposed upon them. No man, I believe, will hazard any thing so extraordinary as to maintain that the laws against the catholics are, at all events, now good by prescription. Prescription indeed may, and does, form an undoubted title to property, and for the best reasons; but prescription cannot apply to laws by which bodies of men are restrained. In fact, such restrictions are founded upon particular circumstances; they are made on particular occasions, and it would be a solecism of the grossest kind to say, that prescription made those laws good universally, which could only be good in the peculiar circumstances of the case. It may be precipitate, no doubt, to conclude that the necessity which justified the deviation is gone, but it would be monstrous to assume a prescription for that which is only just, because it is an exception founded upon specific necessity. In the instance before us, indeed, it will hardly be thought that there has been any precipitation in declaring the cessation of the necessity. On the contrary, the necessity seems to have been so long admitted, and the restrictions so long continued, that the difficulty is to restore with safety, to the full enjoyment of political rights, persons thus deprived of the use of them.

It ought to be kept carefully in view, that almost all the restrictions imposed on the catholics were imposed from political; not from religious motives. Possibly enough, indeed, some who concurred in imposing those restrictions, may have mixed religious feelings with political reasons, though the latter were the only justifiable grounds on which the restrictions were founded. To go very far back; it was not religious bigotry that induced Queen Elizabeth to impose those severe penalties and restraints upon the catholics, of which her reign set the example. The religious sentiments of that princess were not perhaps so different from the doctrines of the catholics as some may imagine; but during the course of a long reign of open war, or restless and unquiet peace, Queen Elizabeth was engaged in transactions of the greatest importance with the other powers of Europe, managed by her with such courage, prudence and dexterity, as have rendered her reign one of the most glorious in our history. But in her re-

lations with other states, particularly the king of Spain; and during the prevalence of the catholic league in France, her catholic subjects were supposed to be so doubtfully affected, or inclined to co-operate with her external enemies, that they were coerced and restrained, not from religious but political considerations. They were deemed disloyal subjects and enemies to Elizabeth's person and government, and for that reason they experienced harsh treatment from her government. But in the reigns which followed, amidst innumerable unjust, rigorous, and cruel penal laws, there were few restrictions and disabilities imposed on the catholics. These took their rise in a later period. In the reign of Charles II. they originated in the jealousy of the religious sentiments of that monarch, a jealousy indeed which appears to have been well founded. At the revolution, it was not catholics, but jacobites that were to be restrained. After the arbitrary attempts and the tyrannical proceedings of James II. had driven him from the throne, it was natural to think that a prince who, from devotion to the religion of the catholics, had sacrificed a crown, would become the favourite of that body. In Ireland, this feeling was more strong; the union of James II. and the catholics was so much more complete, that the two things could not be separated, and catholics became objects of peculiar suspicion and severity to the law, as the adherents of the exiled monarch. It was not their religious doctrines, but their political confederacy with James II. that drew down upon them so many penalties, and exposed them to so much severity. William III. I have always considered one of the greatest princes that ever filled the throne of this or any other country — of a character wholly exempt from religious bigotry, on the contrary formed by nature and by habit to protect and encourage the principles of freedom and toleration. Those who would represent King William as a religious bigot, as a furious persecutor of religious opinion, degrade a character which they either misrepresent or do not understand. It is perfectly well known that he yielded with the utmost reluctance to the severe restrictions that were imposed upon the catholics, and he yielded to them only because he was told, that those who were the enemies of his person and title, could never safely be entrusted with any portion of power. Whether it would have been wise to soften the restrictions, or to have removed them altogether, is not now the question. King William, contrary to his principles and to his habits, acquiesced in the wishes of a nation he was called to govern, and

and the restrictions were imposed for the security of the new establishment upon political, not upon religious grounds.

The years that followed the revolution were years of war, or of suspicious, doubtful truces. During all that time it was the favourite policy of France to embarrass this country by a disputed succession. She naturally, therefore, looked to the catholics, particularly those of Ireland, as instruments of forwarding her designs. The catholics, therefore, were more involved in the cause of the exiled family, and therefore rendered objects of dislike and distrust to the friends of the revolution on account of that connexion. Hence the catholics were in every sense of the word disarmed; they were stripped of power, of distinction, nay of property. But it was owing to their political connexion with the Stuarts, more than to their religious tenets, that they were exposed to these hardships. Some religious bigots, indeed, may have expected that the measures of severity employed would have operated the conversion of the catholics of Ireland. With lenient measures it is possible that this conversion might have been effected; but in the way in which things were conducted, that was not to be expected. The laws under which the catholics suffered, were therefore in reality made against the jacobites; and as the apprehensions of the exiled family long continued, so did the laws made to repress the catholics. The good conduct of the catholics in Ireland, during two rebellions, gave them claims to the favourable opinion of the government, but so late as those events they had not ceased to be objects of suspicion, on account of their supposed political partialities.

Soon after the extinction of the last of those rebellions, which occurred during the two first reigns of the house of Brunswick, a new æra was commenced. The danger to the constitution and government of this country from the Stuart family was wholly at an end at the time of his majesty's accession to the throne; nay, during the later years of George II. it was quite contemptible. Then was the time at which it must have become safe, even in the opinion of the most timid, to mitigate the severity of the laws against the catholics. I believe that some symptoms of a relaxation, in fact, of the prejudices and severities against the catholics, began to appear under the lord lieutenancy of the duke of Bedford, who held that office about the time his majesty succeeded to the throne. At that period there happened circumstances which proved the cause of the restrictions to be at an end. So far from fearing the catholics as enemies, arms were put into their hands

hands contrary to law, when upon some occasion the enemy appeared off the coast of Ireland; thus shewing, that the catholics, who by law were held so suspected as to be deprived of arms, were armed by the administration for the public defence. That the situation of the catholics then began to attract the attention of public men, and with a disposition to relieve them from the hardships under which they laboured, is well known, and I refer to Mr. Burke's letters as a proof of this. I remember, that as far back as the year 1776, from an incidental circumstance that fell out in this house, the situation of the catholics of Ireland began to form the topic of conversation, and if the feelings which then appeared did not immediately disclose themselves in formal propositions, it may have been, that the interest of the immediate questions of the time, and the warmth of party politics, left little room for other considerations. In consequence of the sentiments I have described, however, I have no doubt that the act brought in for the relief of catholics by Sir George Savile and Mr. Dunning, men whom I name only to recall their memory with feelings of reverence and esteem, was introduced. I believe, too, there is little doubt that that measure had a view to Ireland more than to England, where custom and forbearance had, in point of fact, left so much less to be done for the real relief and security of the catholics. I thought then, as I have always thought since, that to deprive men of political rights for religious opinions, without a strong and imperious necessity, was tyranny. What was done, it was expected, might lead to something being done in Ireland to the same end, nor was the expectation disappointed. I remember, too, what staggered men, at that time, was not any dread of the pope, or the pretender, of whom it was then usual for many to speak, some with a degree of compassion, some with triumph, but none with the smallest degree of alarm or apprehension. The difficulty most generally felt was, that the long existence of the penal laws, together with what (I beg pardon of the Irish gentlemen) I cannot help calling the ferocious manner in which the higher orders of the Irish proprietors carried themselves towards the lower catholic body, had produced such a degradation in the latter as rendered it doubtful, as Mr. Burke states, how far men so constituted could be trusted with the exercise of political rights. It was feared too, that the effect of the laws against the catholics, by changing the natural current of property, by interdicting to catholics the acquisition of many kinds of it, while by civil wars and revolutions the catholics

tholics had been almost entirely deprived of all property, such an extraordinary state of things had arisen as would defy the application of common political principles. I would not be thought to compare the respective classes of society, those who had and those who had not property, to the negroes and the whites in the West India islands; but certainly property was almost entirely in the hands of what was called the protestant ascendancy, and the catholics remained not merely destitute of property, but in circumstances of degradation that most peculiarly marked that strange and unnatural state of human society. Nevertheless, in a government like this, so complicated in its nature, and aiming by so many concurrent operations at the support of liberty and good administration, it is so material that property and power should go hand in hand, and that there should in the want of property be no circumstance beyond the want of it, to give a peculiarity of feature to the individual, that it was necessary to begin with laying a foundation on which the farther extension of the rights of the catholics should be built. The first object then was to enable the catholics to acquire property, from doing which they had been prohibited. This law was attended with the most beneficial consequences. Not only a new impulse was given to industry, and a new extension to the productive powers of wealth which already existed, but a vast additional mass of wealth was created in the hands of those who had possessed little or none before. The catholic body then began to assume a new character. The line of demarcation between those who had property, and those who had not, was thus gradually rendered less marked, and the catholics have not only advanced in wealth, but have recovered much of that property of which, by adverse circumstances, they had long before been deprived. This latter point I allude to particularly, in order to obviate an apprehension that a concession of the catholic claims would lead to a resumption of all that property which is secured by the act of settlement. This appears to be one of the wildest alarms that can be conceived. But suppose the attempt to give back all past forfeitures were made, what would be the consequence? Would it not be to strip of their property those catholics who now have acquired it? Would it not be to strip those catholics who are now rich and opulent, in favour of those who are not? Surely there is little reason to apprehend that the catholics would exert the power with which they might be indulged, to produce

duce effects by which they themselves must be the immediate and principal sufferers.

The disabilities under which the catholics labour, are of two sorts;—incapacity to hold certain offices, civil and military, and to sit in parliament. Those who have been in the habit of consulting that odious chapter of our statute law, which, in the eyes of all enlightened men at home and abroad, must ever stand as the most questionable parts of a political system, so much admired on the whole, know well that the restraints as to those points are of very different kinds. In some of them the incapacitation suffered by the individual, operates as a limitation on the prerogative of the crown. The crown is restrained in its general power of appointing to offices by the law, which says that a catholic shall not be appointed. The object of the test act was to prevent Charles II. from employing catholics. And here let me state an observation upon this point which is rather whimsical, but at the same time is very strong and convincing. It will shew very strikingly the different views which our ancestors entertained from us in the nature of this species of restriction. It is now contended that one great reason for excluding catholics from the service of a protestant king is analogy; and that as the king is a protestant, so his servants shall be of the same religion. But when difference of sects exists, as it does among us, this analogical beauty and perfection of the constitution is quite lost. The reason, however, why our ancestors would not suffer Charles II. to employ catholics was, because they had doubts whether he himself was not a catholic. This was far more reasonable than our view of the case. Had they been quite satisfied of Charles II. being a sincere protestant, they might not have been so averse to his employing catholics. But if the king was supposed to have a secret leaning to the catholic religion, he might be suspected of bad motives in wishing to employ persons of the same religion. But surely it is strange that, at a time when there can be no suspicion (I speak now generally of the reigning sovereign) of the king on the throne being a Roman catholic, his prerogative should be restrained as to the employment of catholics, because he is a protestant. The test act, however, which was introduced in the reign of Charles II. has received the approbation of many great men, and even of Mr. Locke himself, though it, perhaps, may be thought that his sentiments published in a political pamphlet, probably with some view to particular occasions, may

may not be of authority equal to his more general doctrine. In the succeeding reign, however, James II. wished to procure the repeal of the test act. But, as James II. was a catholic, it was the prevailing opinion, that in all the circumstances of the case, to have repealed that act would have committed to that prince means which he was but too likely to employ against the liberties of the country. It was afterwards continued, even in the reign of King William, who was no friend to restrictions of that sort, because the high church party, who had concurred with the settlement at the revolution, thought they had obtained a security for the church, against a body of men of whom they were, or affected to be afraid, while the other party, by a sort of compromise, acquiesced, being afraid of the consequences of the clamour which might have been raised had the act been repealed. Thus the law continued not only to operate against the Roman catholics, but against other dissenters from the church. The test act requires those who undertake offices to do certain things, but how has it been enforced in Ireland? There it has with respect to protestants been in many points repealed. How has it applied to the catholics? It has been given up as to many subordinate offices, as to the military profession below a certain rank, as to the bar wholly, with the exception of a few superior stations. After this review of the situations from which the catholics are excluded, the enemies of their claims then come and say, "Why surely you don't all expect to be chancellors and staff officers, and therefore you have no reason to complain that any one of you is injured by the exclusion." This cold and unfeeling argument to console the catholics under degradation, deserves to be examined. Do you think the catholics not worthy to be trusted at all? If so, any office filled by them would, of course, be ill executed. But what would be the consequence of this principle in every profession and trade? I may tell a man going to the bar, you may possibly succeed, you may make money, but do you expect to be chancellor? It might be absurd for every individual to expect to be chancellor, but would it be nothing to tell a man that he never could be chancellor? Apply it to trade. A man commencing business may be very well pleased to make a living, with something over; but what would be the consequence of laying it down that no man's fortune should ever exceed a million? All such restrictions damp ardour, discourage enterprise, and unnerve industry. Place the limit where you please, still that limit has a most unfavourable

yourable influence on the spring and activity of the human mind. Few men may ever make a million, but still to draw any line by which the gains of trade should be confiscated, would be to destroy the spirit and energy of a commercial country. Do we not hear it said, and are we not proud to hear it said, by many persons in this country, who have risen from small beginnings, "Thank God, I am a member of a community, where, by industry, perseverance, and good conduct, I am permitted, if I can, to acquire and to enjoy a fortune equal to that of the first duke in the land?" Are these not cheering and encouraging considerations, are they not calculated to stimulate industry and to call forth the powers of the mind? But what would be the consequence if not only a limit was assigned, but if a particular class of men in the state were marked out, and restrained from advantages, which their neighbours were permitted freely to enjoy? The case may be put still more strong when applied to professions. Let me ask any gentleman, if it would not damp the ardour of hope, and the energy of exertion, to tell a man going to the bar, that he might indeed make a little money by practice, but that the honour of the profession were shut against him? Nay, would it not operate fatally, not only on the zeal of competition, and the vigour of industry, but might it not operate too on parents, to deter them from encouraging and cultivating the talents of their children? It may be very true indeed, that many parents are ridiculous in their hopes of the future eminence of their children; but, the hope that their children may distinguish themselves often too affords them the means and the opportunity to do so. And are these incitements to industry, these inducements to cherish and cultivate talents, not diminished by the consideration that, even at the bar, a catholic can but run a certain way in the race with his competitor; and that, however he may deserve, he cannot gain the prize? Apply it now to the military career, and the case appears the strongest of all. Does any man enter into that profession for the sake of a subsistence? Are not glory and fame the grand incentives? Yet what must be the feelings of the lieutenant, of the captain, animated with all the ardour of those feelings which render arms the noblest profession, when he reflects on all he has seen, all he has done, all he has seen others do, when he combines and compares the measures of the commander, and thinks how he, in similar circumstances, would have acted; what must be his feelings when he remembers with a sigh—

"But

"But I never can command an army! 'Tis true I may be a colonel, but I never can have a superior command." Must not these disheartening reflections in a profession the soul of which is glory, chill every generous ardour, and deaden every spring of enterprise? A man of honour may still expose or sacrifice his life; but how cruel the distinction, how painful the recollection, that while others aspire to the highest rank and fame, he is for ever precluded from the proud emulgence of chief command? How can the military spirit and enthusiasm support a man under discouragements like these? And is it nothing to the state thus to repress talents that must prove its glory and defence?

Even in the gradation of other offices, the limit beyond which there is no ascent is of the worst influence upon the character. The human mind requires all the helps and props which circumstances can give to incite to virtue, and to deter from vice. I do not mean to say, that because a man has reached something beyond which he cannot go, that then he is to become indifferent to reputation; for he might say, that then *quatenus modo rem* was to be the sole object. But surely it will not be denied, that an indolence, an indifference might spring up when the stimulus to exertion was withdrawn. A man might do his bare duty *par maniere d'acquit*, but it would be absurd to expect from the mass zeal, particularly if the limit of advancement was itself to operate as a sort of brand and degradation. And if there are hardships, is not the bitterness of them aggravated when it is felt by so many—when this degraded condition is the lot of three-fourths of the whole people of Ireland—of one-fifth of all his majesty's European subjects?

So far then as to the operation of the restrictions as they apply to the limitation of the king's prerogative. On this head, however, I may take notice of the office of sheriff, from which catholics are at present excluded. But surely if there be any danger to be apprehended from entrusting the office of sheriffs to catholics, good care would be taken that no such persons should be nominated.

The next point is the effect of the restrictions, so far as they affect the right of sitting in parliament. It is well known that during the reigns of Queen Elizabeth, King James I., Charles I. and down to about 1678, catholics sat and voted in parliament; and I defy the most zealous historians to shew that any mischief arose from their doing so. Even Mr.

Locke, who approves the test act, says of catholics being in parliament, that it was "very safe and beneficial to the country." It ceased about the time of the popish plot, about which, I believe, all who have set themselves impartially to consider the transaction, must have a very decided opinion. Nevertheless, during that period, when the nation was roused to the utmost pitch of alarm, when nothing was heard of but conspiracies of the papist minority to murder the vast protestant majority, when the king's life was to be assailed, the silver bullets prepared, and the king of Spain ready to land in England to support the catholic party—under the fever which all those monstrous horrors inspired, catholic peers were deprived of the right to sit in parliament. In fact, this attack on them was the only thing which the zeal and fury of the times had left to be done against them. As to the restriction of the right of catholics to sit in the house of commons it is, so far as it goes, a limitation of the elective franchise. The right of electing has been already granted to catholics, but they must not choose a catholic. Can there be danger in allowing catholics to sit among us? The test act applies to dissenters in regard to offices, but not to their assisting in this house, of which many of them have been, and are, the ornaments. Why then should there be more danger to the church from the catholics than from the dissenters, who are supposed to be at least equally averse to the ecclesiastical establishment? But should the right of sitting in this house be granted to the catholics, does any man believe that there could ever be so many as eighty catholic members? I believe it to be next to impossible that any thing like half that number should ever have seats in this house. How then could they be dangerous? On the other hand, if the doctrine of virtual representation, so often maintained, and I admit justly maintained, in opposition to schemes of parliamentary reform, be well founded, would it not perfect the principle of virtual representation, that to the representation of landholders, merchants, statesmen, lawyers, &c. &c. there should be the representative of the catholics, who as a body have not even a virtual representation in this house? In order, therefore, to attain what is wanting to the public, the catholic body should have their virtual representation in this assembly. When it has been urged that Manchester, Sheffield, &c. &c. were not represented, it has been said, and truly to a certain extent, that they were represented by the various interests in this town connected

connected with them and their prosperity. The very idea of representation, even virtual representation, is, that there exists such a sympathy between the representative and the bodies or persons represented, that he must pursue their interests. But if a catholic has not an opportunity to send to parliament those who are likely to sympathize with him, it cannot with any truth or fairness be said that he is even virtually represented in the house of commons. With respect to catholics being inadmissible to corporations, perhaps the injury arises chiefly from the stamp of degradation it carries with it, because these corporations being composed entirely of protestants, there could be little chance of a catholic ever gaining admittance. The stigma only is retained, and only in such a way as to be injurious to the feelings of the catholic body.

I shall now briefly take notice of a few objections to the measure. Jacobitism is given up : I take that for granted. But it is said that there must be an incongruity and incompatibility of two persons of such opposite religions acting together in public affairs for the public good. I should like to hear this theory explained, for theory it appears solely to be. What necessity would there be for a protestant and catholic statesman quarrelling about doctrines of religion, when it was to be considered whether a fleet should be sent to the West Indies or the Mediterranean ? Must it infallibly happen that one will attack the other at the council board, saying, "Oh ! but you worship the Virgin Mary, and believe in transubstantiation ; but I don't ?" Are such puerilities to be expected in the present day ? Nay, is such a thing to be expected on a bench of judges, to which the catholics have admission ? Such a thing might happen in Turkey, where the religion and law of Mahomet are so interwoven ; but such incompatibilities are quite foreign from the nature of our laws and administration. But while some are so fearful that men of different religions could never serve together cordially, we find these maxims are contrary to the practice of all Europe. Nay, at a time when religious bigotry compelled Henry IV. to change his religion, was Sully, a protestant, considered a bad minister of a catholic king ? Was Neckar, whatever faults might be imputed to him, a worse minister of finance, because a protestant ? Nay, does the emperor of Germany, whose house has never been remarkable for religious toleration, scruple to entrust a protestant prince, Ferdinand of Wirtemberg, with the guard of his

It is representing them as a set of men equally incapable of observing the most sacred ties among men and the most respected rights in society. I have no wish, sir, to engage in controversial discussions, for they are contrary to all my feelings, inconsistent with all the habits of my life. They are seldom introduced into this house with much profit, and in many cases they are productive of material inconvenience. Without, however, at all introducing such discussions, I must be permitted to say, that such a representation of the catholics as that to which I have referred, is one of a very extraordinary nature. At this moment, three-fourths of Europe consists of Christians professing the Roman catholic religion; and are we then to be told that this large proportion of civilized inhabitants of this part of the world, are men who are utterly undeserving of all belief, even when their testimony is ratified by an oath? that they are incapable, not merely of the relations of peace and amity, but that they are unfit for supporting any of the common relations of life? I am sure such a proposition as that will not be attempted to be introduced into this house. No man will dare to come forward and assert that, because three-fourths of the christians of Europe are Roman catholics, we are to consider them as incapable of the relations of peace and amity, incapable of the connections of commerce, incapable of any of those obligations by which the faith of one state is guaranteed to another. Such a doctrine as would, on account of differences of religious opinions, suppose nations incapable of all the relations of civilized life, would be a doctrine fit only to have been entertained in dark and superstitious ages. It is a doctrine which can only be traced to the wildest and most abominable bigotry. When the oaths in question were first proposed, at the time when a number of concessions were to be made to the catholics, I, among others, objected to them as altogether unnecessary. The house was then of a contrary opinion, and the oaths were made a condition of the concessions to be granted by the legislature. What then has been the consequence? Why, sir, the catholics have taken the oaths, their archbishops, bishops, and inferior clergy have taken them, and still it is contended that all this will not satisfy our anxiety for the ecclesiastical establishment. The catholics cannot be believed, and therefore their testimony is quite nugatory. When the petition was first read at the table, I did flatter myself that the explicit declaration of the petitioners, that the oaths had been taken, would

would have made a strong impression on the house. Why then are we now to hear that this declaration is far from affording satisfaction? I recollect, sir, when talking on this subject with a much valued friend of mine, the late Lord Petre, whose presence would have done honour to any assembly, I gave my opinion fairly, that to me the oaths seemed altogether superfluous. He, on the other hand, was anxious that the oaths should be taken, as the best means of doing away those calumnies which had been heaped on the catholic body. My reply was simple, that it certainly might be very justifiable, nay, perhaps very proper, for the catholic body to take this mode of placing their principles in a fair point of view, but that it was unworthy of the dignity of the legislature to demand such a declaration from so numerous and respectable a body. Being on this part of the subject, I think it proper to add, that the oaths on which so much stress is laid, have been positively taken by four catholic archbishops, by all the bishops, and by the greater part of the inferior clergy. Though my own opinion remains unaltered, that the oaths were unnecessary, still the statement I now make must be considered as sufficient to refute the accusations of those who would wish to describe the catholics as men who have not, in good earnest, renounced those opinions, on which the resistance to their claims is principally founded. We are told, however, that the Irish catholics have already had so much conceded to them, that it is quite extraordinary to hear them calling for still greater indulgencies. With this idea I cannot possibly concur, and on the contrary think that their present demands are strictly consistent with every principle of reason and every view of human nature. When you have conceded to men certain privileges, it is to be expected that their desires of a still more perfect state of political situation will be increased. When you have to a certain degree assimilated one body of the subjects of an empire to the other, there will necessarily be created an anxiety to enjoy a more perfect similarity with the rest of the community. If the catholics of Ireland were raised from a state of debasing oppression, and restored to the character of men, it was not surely extraordinary that with this nobler character which they had obtained, they should feel an ardent wish that it should be accompanied by every corresponding privilege. Nothing short of this could possibly satisfy the expectations which had been excited, and that man must shut his eyes to the nature of man, and the genius of the human mind, who could not perceive

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ceive that the people of Ireland, though in the first instance they might view the concessions afforded them with feelings of gratitude, still reflected that they were subjects of indisputable right, and that if what they now claimed was not granted them, a very important part of these rights was withheld. They could easily too distinguish betwixt a favour granted to an individual, or to a number of individuals, and a right unjustly denied, and at length conceded to the demands of four millions of the general population of the country. From the moment that the concessions were first granted to the catholics, it was easy to see that much more was to be required. When the catholics had gained much, they were sensible that they had yet a great deal to receive. Will it be argued, sir, that after all you have conceded, what remains is not safely to be given up to the catholic body of Ireland? Shall we hear that the catholics are disaffected, or in danger of disaffection, and at the same time shall we shut our eyes against the fact, that in our army and in our navy these very catholics are employed, that vast bodies of the catholic population are now employed in arms to defend Ireland against any attempt which the French may meditate against that part of the empire?—Will any gentleman be bold enough to say, that we are perfectly safe in trusting the rude uncultivated tribes of Ireland, and that there is any danger in admitting to a seat in the legislature, the higher and more respectable gentlemen in the community? Do you consent to trust the lowest ranks of the Irish people, and can you have any apprehensions of the designs of Lord Fingall, and the other noblemen and gentlemen whose names are subscribed to the petition which forms the subject of the motion with which I shall have the honour to conclude? I ask, sir, of those gentlemen who oppose the claims of the petitioners, what description of the Irish people they think unworthy of being trusted? I have already said that you are in the constant habit of trusting the lower orders, whose manners and connections render them the most subject to suspicion, and of the higher orders, against whom none of these causes of suspicion apply, you appear to entertain the utmost degree of jealousy. You admit the lower orders into situations which are certainly not very well adapted to a suspicion of their loyalty, while the higher orders, whose loyalty is undoubted, are refused the enjoyment of the rights of the highest of the citizens of a free country. To those from whom we have every thing to fear we give nothing, while from those who have

have every claim to our confidence, we withhold what their approved attachment powerfully demands. Surely this is a sort of proceeding equally contrary to the principles of common justice and common sense. It cannot for a moment be admitted that what we refuse is withheld from a sense of danger, for if danger really existed, what is already conceded will produce all the danger which can be anticipated. They have had conceded to them this fundamental principle of our free constitution, that all orders in the state are to be equal, that they are to enjoy equal rights and equal accessibility to all political privileges. We have therefore really retained nothing which it is of the least importance for us to keep, but what it is of immense consequence for them to receive. We have only retained that equality of rights which is a privilege the dearest to the human mind. It is this that gives to our laws their grand distinction, and renders the constitution of this country superior to any other on the face of the globe. This is a privilege which atones for the inferiority of fortune, and makes even nations comparatively poor, elated with their political condition. One of our poets illustrates this idea in the most beautiful and interesting terms, when describing the manners of the peasantry of Switzerland—

“Tho’ poor the peasant’s hut, his feasts tho’ small,
He feels his little lot the lot of all:
Sees no contiguous palace rear its head,
To shame the meanness of his humble bed.”

This equality of rights is what the catholics require, and until it is granted, they must continue in a state of the utmost degradation. But I am told that the most eminent of the clergy in this country, that the great majority of the bench of bishops are hostile to the measure of emancipation. Nothing could be more remote from my wishes than to agitate a question in which the functions of that respectable body could be at all infringed on; but I consider this a question in which their authority has not all that degree of weight which on other subjects I should be the first man in the world to allow it. Political and religious questions have been too often confounded when they ought to have been kept perfectly distinct; and it appears to me that the question before the house is just one of those to which this observation will particularly apply. The wisest philosophers have been desirous to have great political inquiries separated, and it is to be lamented that this desire has in so few instances been gratified. As however the authority of the venerable body to which I have al-

luded has been introduced, I am happy to have this opportunity of referring to the authority of a writer, who, not possessing a seat on the bench of bishops, is one whose authority will have very great weight, not only in this house, but with all thinking men in the country. The authority to which I allude, is that of Dr. Paley, in one of his works where he has occasion to discuss the subject of religious disabilities. With the permission of the house I shall take the liberty of reading a short passage to shew in what light this intelligent and respectable writer views the subject of disabilities founded on religious considerations. (Here the hon. member read a passage from Dr. Paley, the object of which was to shew that all disabilities of this description must be of a temporary nature, and as soon as the circumstances which had occasioned them ceased, they should without delay be abolished.) Here then, said Mr. Fox, resuming, is the authority of one of the ablest writers in this country, and you find that he has no conception of perpetual disabilities, he has no idea that though restrictions might at one time be expedient, these restrictions were to continue for ever. I have thought it incumbent on me to quote so respected an authority, because, when I hear that the higher orders of the clergy affect to entertain alarm for the establishment, it is proper to have it understood that one who is so well known as a friend to that establishment, and who is distinguished by his knowledge on subjects of that description, did not anticipate any extraordinary danger from the measure which it is my present object to recommend. Dismissing then this part of the subject, I go on to consider another objection drawn from the particular time at which the measure is to be brought forward. For my own part, viewing the subject as I do, I really cannot conceive that any time would be improper for introducing it to the consideration of this house. When, however, I take all the circumstances of the case into consideration, I cannot but think the question, so far from having been prematurely discussed, ought in propriety to have been agitated immediately after the great measure of the union was carried in this country, and in Ireland. It is needless for me now to enter into any discussion of the policy of that measure. I stated the grounds on which I was decidedly hostile to it, and I have hitherto seen no reason to change that opinion. Whether, however, the measure was right or wrong, I do say that if the expectations of the Roman catholics of Ireland was raised by the view of the consequences which were to follow that event, these expectations

tions ought not to have been disappointed. It was certainly held out to the Roman catholics that if the union were carried, a period would arrive when the restrictions under which they laboured would be removed, and their rights as citizens and men would be restored. Here again I am called on to take notice of an objection against emancipation, by the application of practice against theory. I confess, sir, I have always been, and never shall cease to be, an advocate for practice above theory, properly understood and wisely applied. Though I admit this, let me not be understood as at all admitting the principle, that severity is more expedient as applicable to the affairs of Ireland, than measures of wise conciliation and liberal policy. I know it may be said, that under the vigorous system adopted by government, prior to the accession of his present majesty, the tranquillity of Ireland was preserved; that in both the rebellions in 1715 and in 1745, the catholics of Ireland took no part, in a struggle which had for its principal object to place a catholic prince on the throne. I may be told also, that from 1793 to 1798 was, in Ireland, a scene of constant insurrection, and that at the latter period a desperate effort was made to shake off all connection with the government or legislature of this country. Sorry indeed should I be if such a representation could not be satisfactorily refuted; for otherwise we should be compelled to admit, that a system of coercion was the most expedient for keeping down the spirit of discontent among a people; that the grand principles of liberty were to be set aside, and that slavery was to bear sway in a nation professing to be free. If persecution were to be the only medium through which we can retain Ireland, then it would indeed become a lamentable alternative whether it ought to be totally abandoned, or retained by such means as those I have now described. I see no necessity, however, for resorting to such a desperate construction of the circumstances of Ireland, when it is so easy to account for the state of Ireland from 1793 to 1798 on very satisfactory principles. Ireland, during that period, was certainly exposed to very peculiar difficulties, and it is surely needless for me to say, that they were greatly augmented by the circumstances of the French revolution. I need not remind the house, that the inhabitants of the north of Ireland had long been distinguished above every other part of the population by their superior industry, intelligence, and wealth, though it is notorious they were not equally remarkable for their attachment to English connection. Previous to the French revolution, the catholics had

had no bonds of mutual union with this part of the Irish population. On the contrary, they were kept asunder by the striking contrariety of their religious creed. It was the French revolution that united these two heterogeneous bodies. It was a feeling of what they conceived common oppression that kept them together during the desperate struggle which the rebellion gave rise to. But this is not the only view of the case to be taken into consideration. The house cannot have forgot the circumstances of Lord Fitzwilliam's administration. Did he not hold out to the catholics of Ireland the prospect of complete and absolute emancipation? I know a doubt was started how far he was authorized by the ministers here to give such a pledge to the catholics. Without now entering on the discussion of this point, it is sufficient to say, that the lord-lieutenant of that day, after having made this pledge, was recalled, and that a motion for following up that pledge was lost in this house. The catholics, upon seeing all their hopes frustrated, all their best founded expectations disappointed, were doubtless exasperated in no ordinary degree. Was it nothing that a pledge so solemnly given was neglected? Was it not natural that high expectations disappointed, terminated in despondency, and that this feeling suggested the unfortunate idea of connection with France, which at no former period of the last century had existed? We are told, however, in all probability with the view of aggravating the guilt of the catholics, and veiling the criminality of the ministers of that day, that the inquiries of the Irish parliament fully proved the catholics to be bent on absolute separation; and that they regarded catholic emancipation, and reform in parliament, as nothing better than a drop of ink compared with their more extended object. This is all true; but is it the whole of what these inquiries brought to light? Did it not appear that these same persons who made this declaration, at the same time confessed that if catholic emancipation and a reform in parliament had been granted, then all prospect of a successful insurrection would have been destroyed? They knew the effect of conciliatory measures, and they dreaded their application. They were sensible that if these measures were well applied, it would be quite ridiculous to think of detaching the feelings of the people of Ireland from their connection with this country. It is perfectly understood that the catholics had the highest hopes from the assurances and pledge of Earl Fitzwilliam, and if disastrous consequences followed the dereliction of that pledge, let those who occasioned it answer for the consequences.

consequences. But how do the catholics, after thus being duped and betrayed, stand, after the measure of union was carried in a great measure by their assistance? On every side they are injured and calumniated; on the one hand by the ministry, who held out hopes only to disappoint them; and, on the other, by those who oppose the union, as having betrayed the interests and surrendered the liberties of their country. It was not, sir, on light grounds that the catholics hoped, under the imperial parliament, for the concession of all the claims which a local legislature had refused to acknowledge. A learned gentleman on the other side of the house (Dr. Duigenan), had written a letter to an hon. friend of mine, whom I am happy to see near me, in which, alluding to the measure of a legislative union, he argues, that if such a measure were accomplished, all exclusive laws and restrictions would of necessity be abolished. I need not inform the house that the learned gentleman to whom I have alluded was, in the parliament of Ireland, particularly hostile to the claims of the catholics, and conceived that the only way in which they could ever be acceded to, was through the medium of that legislative union which he was so desirous of seeing adopted. I put it then, in fairness, to the house, whether, when this measure was carried, the catholics had not every reason to believe that their claims would meet with immediate attention? These just expectations have, for several years, been disregarded, and it certainly had become the duty of some member to bring the matter fairly under discussion. Happily this disagreeable mode of proceeding has been rendered unnecessary by the course which the catholic body themselves, after mature deliberation, have thought it expedient to adopt. They have come forward with a loyal, dutiful, and temperate address, representing the nature and extent of their claims, and fairly submitting them to the attention of the legislature. They have conducted themselves with a propriety which places their loyalty and love of good order above all sort of suspicion, avoiding all insurrection, and discouraging all tumult; they have left the whole affair to the sober determination of parliament. Coming then to the discussion of the claims of so great and respectable a body thus presented, I hope and trust these claims will be fully and attentively considered.—In the course of the observations with which I have thought it necessary to introduce my motion, I have hitherto avoided taking any notice of certain mysterious insinuations, that it was needless to agitate the question at the present

present moment, since it was impossible, from an objection in a very high quarter, that the object in view could be obtained. Before I sit down, I must say a few words on this topic, that to grant the claims of the catholics, would oblige his majesty to violate his coronation oath. This is an idea utterly monstrous and absurd. I only desire, that any man will look at the coronation oath, and I am confident he will see that no such conclusion can be drawn, as that some individuals wish to consider as the necessary result of the measure of emancipation. If we were to suppose King William alive at this moment, and the very acts in question were to be repealed, would that be a violation of his coronation oath, to repeal acts which were not framed when his coronation oath took place? What then would King William have done by consenting to the repeal? Why, he would only have done what every sovereign in this country is bound to do—he would merely have bowed to the express wishes of parliament. The same principle applies to the present sovereign, who has always shewn himself ready to accede to the wishes of his parliament. If the concession of the catholic claims now be a violation of the coronation oath, then all the concessions in 1793, and at former periods, implied an equally clear violation. I cannot then allow this objection to have any force; nor can I at all go into the idea, that because there is no prospect of carrying a measure, it is not on that account to be proposed. If such a principle as that had been acted upon, then not one of those measures, the beneficial effects of which we feel this day, not one of those acts which have illustrated and secured our liberties, would have been carried: for surely, sir, it is needless to impress on your attention, and the attention of the house, that almost every great constitutional measure has been carried through parliament only after severe and successive exertions. I shall ever be the first man to support his majesty's lawful authority, but I will not suffer the name of that authority to be improperly or indecently introduced, to prevent full and fair discussion on a subject the most interesting that could be submitted to the consideration of parliament. He who would advise the king to do an act contrary to his coronation oath must be a traitor; but those who, on a subject of this sort, attempt to poison the royal ear, and by false representations create impressions unfavourable to the catholic claims, flatter the sovereign only to betray him. No consideration of this mysterious nature ever shall deter me from the performance of what I conceive to be a great and important

tant duty. The object of the motion with which I shall conclude is then, that the petition of the catholics be referred to a committee of the whole house, and it will then become an object of consideration whether the whole or any part of the petition is to be conceded. There are two or three circumstances which to me appear peculiarly worthy of the consideration of the committee, if it should be granted by the house. The circumstances under which Roman catholics in the army are placed will call for peculiar investigation. As the law now stands, Roman catholic officers can, up to a certain rank, exercise all their duties in Ireland without any penalty; but no sooner do they set their foot in this country and exercise the same duties, than the law of *præmunire* is in force against them: this then is surely an evil which loudly calls for redress. The case of the common soldiers too demands attention; for, in many cases, catholic soldiers are in this country compelled to attend protestant places of worship; and though complaints are made no redress is obtained. I mention these circumstances as affording specific grounds for going into the committee, where they may be fully considered. I know there are some gentlemen who are disposed to grant the right of the catholics to offices, who think that the right of voting in either house of parliament would be attended with the utmost danger. Others, on the contrary, think that it would not be safe to admit them to the exercise of these high offices, but that their admission into parliament would not only be harmless, but highly beneficial. On both classes of gentlemen I call to support my proposition, for both have grounds sufficient for going to a full investigation of the subject. Independent of all principles of justice, there is a strong call of policy in agreeing to the claims of the petitioners. We have been employed a considerable time, both in the last and present session, in discussions on the best means of recruiting the army. Without at all disparaging the views of my right hon. friend on the same bench (Mr. Windham), I must be allowed to say, that neither parish bills, enlisting men for time, or procuring them for rank—neither volunteering from the *militia*, nor any other plan for increasing our disposable force hitherto recommended or resorted to, would be half so effectual as the simple measure of the emancipation of the catholics of Ireland. We should then receive an immediate and immense augmentation of men in consequence of an act of benignity and justice. We know the character of the Irish nation, and we are not without the experience of what may be

expected from the warmth of their feelings, and the liveliness of their gratitude. We are now contending against France, certainly a most formidable enemy : but what is it that we have chiefly to dread in this contest. Is it French industry, wealth, commerce, or resources ? No ; but it is the immense population of France which renders her so dangerous a foe. How, then, are we to counteract this danger ? We have a clear method laid before us. We have only to recal to our affection one-fourth of our population, and to render that the source of our strength, which is now only an additional cause of our weakness. Let us then banish all seeds of animosity. Let us shew the catholic soldier and sailor, that the road to honour is alike laid open to all, and that he who fights our battles well, shall find no distinction of reward from a grateful country.—Mr. Fox concluded by moving, that the petition of the Roman catholics of Ireland should be referred to a committee of the whole house.

Dr. Duigenan—Sir, I have read the petition now before the house, and the list of names subscribed to it ; they amount in the whole to ninety-one persons : of these six are peers, three are baronets, the rest untitled commoners. Of the six peers, one is an English as well as an Irish peer, who has no property in Ireland, and is an Englishman both by birth and residence. The petition is thus entitled : “ A petition of the Roman catholics of Ireland, whose names are thereunto subscribed, in behalf of themselves and of others his majesty’s subjects professing the Roman catholic religion.” With what propriety this English peer can be styled a Roman catholic of Ireland I shall not take upon me to determine. Of the remaining five peers three may be said to have been created during his present majesty’s reign. Lord Kenmare claimed a peerage under a patent of King James II. dated after the abdication of that unfortunate prince, at a time when he was no longer a king, and could not create nobility : his present majesty has been pleased to create him a peer : the ancestors of two others, the Lords Fingall and Gormanstown, were attainted for high treason on outlawries ; which attainders continued for four generations. His present majesty was graciously pleased to direct his attorney general in Ireland to confess error in these outlawries, on which confession the outlawries have been reversed, and these noblemen have been restored to the rank of their ancestors. Lord Southwell’s ancestors were protestants ; his father some time since went to France, and there became a Roman catholic, and educated his

his son in that profession. Thus it appears, that the whole Roman catholic nobility of Ireland, a few years back, did not exceed one or two at the most. I speak not this out of any disrespect to the noble personages thus mentioned, but to shew what little cause of complaint there is for the alleged degradation of the Roman catholic nobility of Ireland. Of the three baronets subscribed to the petition two have been created by his present majesty. Ireland is divided into thirty-two counties: out of nineteen of these counties there is not one subscriber; and out of four of the remaining thirteen counties there is but one each. There is not the name of one Romish ecclesiastic subscribed to this petition. How then does it appear that these petitioners are commissioned by the Roman catholics of Ireland, or those of England and Scotland, to petition on their behalf, or to express their political or moral principles? It is much to be suspected that they are self-commissioned, as well by what is already observed, as by the following circumstance: five of the subscribers have set themselves forth as delegated by the rest to procure the presentment of this petition to the two houses of parliament, and solicit its success: of these, one is Mr. Denys Scully, barrister at law, a gentleman with whose person I am totally unacquainted, but not so with his writings. He published in the year 1803 a pamphlet in Dublin, entitled, "An Irish Catholic's Advice to his Brethren how to estimate their present Situation, and repel French Invasion, civil Wars, and Slavery." This pamphlet advises the Irish Romanists, in the event of an invasion by the French, rather to join the king's standard than that of Bonaparte, solely on the ground of such conduct being more for their advantage, and not at all on the ground of their allegiance due to their sovereign: and notwithstanding the specious title of the work, the whole tenor of it is, in my opinion, by the suggestion of ideal grievances, in the most horrid forms, to excite the Romish populace to the most furious acts of insurrection and revenge against their governors; so that the advice to resist Bonaparte seems to be merely an artifice to protect the author from the legal punishment due to so malignant, vindictive, and atrocious an attack on the conduct of the protestant government of Ireland for two centuries past. The pamphlet overflows with gall; it will be sufficient to read a passage or two out of it to give the house a just idea of its real purpose and tendency: "It is one hundred and twelve years since the capitulation of Limerick to William III.: it was the last place in Ireland or England

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that surrendered to him; and never was any place more gallantly and obstinately defended than Limerick had been by our *loyal* ancestors, who with Sarsfield at their head fought for their hereditary King James against a Dutch invader and his hired battalions."—Page 12, Dublin edition.

Writing of the gallant army which went to Ireland to punish the Irish rebels and murderers of 1641, he has the following passage: "You see what misery that army caused her: their tailors, tinkers, smiths, cobblers, drummers, and trumpeters, after the slaughter of one hundred thousand persons, obtained various estates and lands amongst us." It is to be remarked that the superior officers of this gallant army thus reviled by Mr. Scully, were the chief instruments in restoring Ireland to the monarchy of England, and that their descendants at this day compose a most considerable part of the Irish nobility and gentry.

In another place Mr. Scully calls the Irish parliament a club, and the place of their meeting their club-house. In another place he gives the following character of the person he styles the first magistrate: "That he may be liable, like the master of a family, to fits of anger, and caprice, and prejudice; that he may naturally be at times obstinate, ill-humoured, improvident, or even infatuated upon some particular subjects." And adverting to the coronation oath, and to his majesty's scruples on the score of that oath, respecting the demands made by the Irish Romanists, he undertakes to apologize for his majesty, and to express his hope that the king will change the opinion which it is generally understood he has entertained. "It is not," says he, "to be imagined that a quibbling crotchet in an oath will circumscribe the justice of the beneficent father of his people."—Can it therefore be imagined that Mr. Scully is a person specially commissioned by the Roman Catholics of Ireland to solicit the success of a petition to the representative body of the nation, claiming a right to be put upon an equal footing, in respect to political privileges, with all other his majesty's subjects, and demanding such boon on the score of their alleged loyalty and attachment to the state?

The petition contains a long state of what the petitioners allege to be their political, moral, and religious principles, and openly asserts that such principles are not only conformable to their opinions and habits, but are expressly inculcated by the religion they profess; yet this petition is not subscribed even by one ecclesiastic of that profession. I shall state to this house what

what I conceive to be the reason that the Romish ecclesiastics have declined to subscribe it. There are two oaths prescribed by the Irish statutes to be administered to Romanists; one, by an act of the Irish parliament in the year 1773; the other, by an act of the Irish parliament of the year 1793. Such Romanists as decline to take the oath of the year 1773, which is nearly the same with the oath prescribed to be administered to the English Romanist by the English act of the year 1791, are not entitled to the benefit of the several Irish laws repealing what is styled the popery code in Ireland; it is therefore incumbent on all Irish Romanists to take the oath of 1773, to entitle themselves to the benefit of such repeal: but they are not under an equal necessity of taking the oath of 1793; for it is merely a qualification-oath, which, if they obtain places under government, or tender their votes at elections for members of parliament, the law requires they should take, but not otherwise.

The oath of 1773 is an oath of allegiance to the king: it contains an engagement to disclose all traitorous conspiracies; abjures the pretender, and the doctrine that no faith is to be kept with heretics, and that princes excommunicated by the pope may be deposed or murdered by their subjects; renounces the temporal jurisdiction of the pope, and declares that it is taken without equivocation, in the ordinary sense of the words.

The oath of 1793 goes much further, and renounces the infallibility of the pope; the power of the priest to give absolution unconditionally; the intention of subverting the present church establishment, and substituting a Romish establishment in its stead; of overturning the present arrangement of property in Ireland, and of using the power and privileges demanded by the Romanists to weaken the protestant religion and protestant government in Ireland; and, so far as it relates merely to religious principles, is the same oath which was drawn up and prepared by a committee of English Romanists in the year 1790, to be offered to the then English ministry as a proper oath to be tendered to all English Romanists; and the taking thereof to be sanctioned by an act of parliament. This oath three out of the four apostolic vicars, the special agents and emissaries of the pope in England, reprobated and anathematized by an encyclical letter, dated London, Jan. 12, 1791, and commanded all the English Romanists to reject this oath, and stated in their letter that they thus acted with the approbation of the apostolic see, and of all the Romish bishops in Scotland and in Ireland. These
apostolic

apostolic vicars had so much influence with the English ministry in 1791, that they prevailed upon them to omit from the oath by statute prescribed to be taken by the English Romanists, the abjuration of the pope's infallibility, and of the doctrine of unconditional power of absolution in the priest. It is also to be remarked, that all the professors and members of the college of Manooth in Ireland are by an Irish statute exempted from the obligation of taking the oath of 1793. This is a college founded by government for the education of Romish priests.

From what I have mentioned, I conceive that the petition's containing a declaration against the pope's infallibility, and the doctrine of unconditional power of absolution in the Romish priesthood, is the reason why no Romish ecclesiastic has subscribed it.

The petition prays that all statutes now in force against Romanists (that is, all statutes requiring them to take tests as qualifications for offices and seats in parliament) may be repealed, and they may be restored to the full enjoyment of the benefits of the British constitution, equally and in common with their fellow-subjects throughout the British empire:—this they claim as matter of justice and public utility. It is very remarkable, that this measure thus demanded upon the grounds of justice and public utility, is the very measure which King James II. attempted to force upon the nation, and for which attempt he forfeited the crown handed down to him by a long and illustrious line of ancestors; and that the reasons given by him for his attempt are the very same reasons pleaded by the petitioners and their advocates for the justice of their demands; to wit, “that it would cause and promote a brotherhood of affections and a conciliation of religious differences;”—“to render the nation happy at home, and formidable to foreign nations.” See his declaration for general liberty of conscience, the letter left upon his table previous to his flight to France, and his speech to his pretended popish parliament in Ireland after his abdication. If his attempt was just, and the measure for the public benefit, it follows that he was unjustly dethroned; and the direct consequence of that is, that his present majesty's title to the throne is an unjust one. Let this house determine whether such doctrine is or is not consistent with loyalty.

I shall oppose the motion for submitting the consideration of this petition to a committee; and in doing so, I shall enter fully into a discussion of the broad and general question before the

the house, whether the prayer of this petition should be granted or rejected; as I think it is a question of the greatest magnitude which has been debated in this house since the revolution.

The petitioners have particularly stated that the principles, religious, moral, and political, set forth in their petition, are expressly inculcated by the religion they profess: it will be therefore incumbent upon me specially to examine the principles taught by their religion, as they are laid down by their own writers, ancient and modern, and as they are warranted by the uninterrupted practice of their church for ages. It will, however, be first necessary to examine how and in what manner they are disqualified from enjoying offices and occupying seats in parliament.

The only obstacle at present to the occupation of seats in the two houses of parliament by the members of this sect, arises from the laws enjoining the taking of the oath of supremacy, and repeating and signing the declaration against transubstantiation, &c. by all members of the two houses of parliament, previous to their taking their seats and voting in either house: with which injunction if Romanists complied, they would be as capable of occupying seats in parliament as protestants. This injunction they obstinately refuse to obey, and thereby exclude themselves. If indeed they would offer to take the oath of supremacy, there might be some plausible arguments adduced for the repeal of the parts of these acts which enjoin the repetition and subscription of the declaration against transubstantiation, &c.; because that is a declaration against certain doctrinal points held by Romanists, which do not immediately tend to a disavowal of the supreme authority of the state, so far as to countenance or command a resistance to the civil magistrate, and is a matter of opinion only, unconnected with the government: but their rejection of the oath of supremacy is an open avowal, that they do not admit the state to have any just power to compel their submission to its laws, in any point of temporal government, intimately and inseparably connected with the administration of the supreme power in spiritual matters; that is, in other words, they refuse and reject an *oath of allegiance* to the state, and insist that there is an extraneous power paramount to that of the state, to which their allegiance is due in all spiritual matters, or in all matters which that power shall deem spiritual; and in all temporal matters which are inseparably connected

connected with such spiritual supremacy, which amount to nearly one half of the whole temporal power of a state; and may indeed swallow up the whole, which it has attempted in many countries: because the determination of what portion of dominion, in temporal matters, is within the vortex of spiritual supremacy, is left to a foreign ecclesiastic, and his vassals the Romish priests. Within this empire, the pope never did claim any temporal power, save under the pretext, that it was inseparably annexed to the supreme spiritual power, and a consequence of it. What immense temporal power he claimed, and in fact exercised within this realm, under such pretence, let our histories and statutes declare; the fourth Lateran general council shews the extent of the authority over temporal princes and their dominions claimed by the pope.

The qualifying subjects, who hold so anarchical a doctrine *as a point of faith*, to become part of the supreme power, by admitting them to a share of the supreme legislative authority in a protestant state, and that too a state the most powerful part of whose supremacy is lodged in a popular assembly, is in its own nature an absurdity, and must, if effected, be attended with the most ruinous consequences to the constitution.

Before I proceed farther, it will be necessary to put gentlemen in mind of the oath of supremacy (which we have all taken) by repeating it:

"I do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or by any other person whatsoever; and I do declare, that no foreign prince, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. So help me God."

The oath of supremacy was originally framed in the reign of King Henry VIII. merely as an oath of allegiance; the usurpations of the pope then becoming intolerable in England, he claiming and exercising a power over the subjects, under the mask of spiritual power, or as inseparably annexed to it, equal to the power of the crown at least, and in many cases paramount to it, and subversive of it. See preambles to the statutes

statutes of the 24th Hen. VIII. ch. 12, 25; 25th Hen. VIII. ch. 21; 26th Hen. VIII. ch. 1; 32d Hen. VIII. ch. 38; and the Irish statutes of the 28th Hen. VIII. ch. 13; 2d Eliz. ch. 2.

By this oath, in its original form, the king was declared to be the *only supreme head on earth* of the church of England and Ireland.

This clause was objected against as an acknowledgment of a sacerdotal power in the king; to obviate this, he took care to declare publicly; that he claimed only a civil supremacy; "that he made no pretensions to any sacerdotal power;" that his supremacy was not that purely spiritual power which is lodged in the church, but a temporal supremacy over all the spiritual power of it within his own dominions."

All the great officers of the state, bishops, and nobility within this realm (two excepted—Sir Thomas More, and Fisher bishop of Rochester), took this oath.

Romanists were then better subjects than they are at present.

The objection, however, being still urged by the partisans of the court of Rome, Queen Elizabeth, at the commencement of her reign, changed that clause in the oath, and inserted in its room, "that the king (or queen) is the only supreme governor of this realm, as well in spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, state, or potentate, hath or ought to have," &c.

To guard against any perverse interpretation of this oath, she published injunctions, wherein she declared; that she pretended to no priestly power; that she challenged no authority, but what was of ancient time due to the imperial crown of England; that is, under God, to have the sovereignty and rule over all manner of persons born within her dominions, of what estate, whether ecclesiastical or temporal, soever they be, so as no foreign power shall or ought to have any superiority over them." The Romanists, however, by the anathemas of the pope, were so changed for the worse, and their obligation of fidelity to their prince and country so loosed since the reign of Henry, that they universally rejected this oath, though simply an oath of allegiance to their natural sovereign.

On the accession of James II. a bigoted papist, he, finding himself invested by this oath with the supreme governance of the established church, was induced by his bigotry, in direct breach of his coronation oath, to use this authority for the subversion of the established church; and this danger to the church, from the monarch's being in-

vested with such power, was noticed by the sagacious patriots who conducted the revolution; and on that glorious event they determined to rescue the church from such peril, and expunged from the oath of supremacy the clause "that the king is the only supreme governor of this realm, as well in spiritual or ecclesiastical things or causes, as temporal;" so that the subject is now only bound to swear, by the oath of supremacy, to the independence of the empire on any foreign power; and it is merely and simply an oath of allegiance to the state: in fact it was always so, and such as no subject, who is not a traitor, can conscientiously refuse; it is, as it now stands, completely purged of all reasonable, or even plausible objection: it never was an oath of exclusion, or even of restriction, unless of traitors; it is absolutely, strictly, and literally conformable to the ancient and acknowledged common law of the realm. That ancient common law is acknowledged, repeated, and recognized, in the preamble of the statute of *Præmunire*, enacted in the 16th of Richard II. at the time this kingdom was in communion with the Romish church: that statute recites, "that the crown of England hath ever been free, and subject to none, but immediately unto God; and the laws and statutes of this realm ought not to be submitted to the bishop of Rome, to be defeated at his pleasure, to the destruction of the king, his crown, and his regalia, and of all the realm, which God defend." This was the voice of the people in open parliament at that time. See the statute, Carte's *Ormond*, vol. i. from page 36 to 43. See also Davis's Reports, case of *Præmunire*.

The Romanists of this day complain of the laws which enjoin the taking of this oath, declaring that they cannot in conscience take it, that it is to them an exclusive oath, as they cannot sit in parliament without taking it; and they and their abettors (among whom in this point they muster all the jacobins in the country) desire to have these laws repealed. They plead thus: We are from conscience traitors to our country; we maintain that our country is subject to a foreign power; we are always ready to support the authority of that foreign power in every possible way, by arms or otherwise, and to bow down our country to its authority: we therefore demand the repeal of the laws which oblige us to swear allegiance to the constitutional governing powers of our country; which repeal will be a national acknowledgment of the dependence of our country on, and its subjection to, a foreign tribunal. It will enable us to procure seats in the great supreme council of the nation; and confer power

on us to betray the independence of our country. The pope and all our divines assure us, that we are bound in conscience to do so, when we shall procure power. Dr. Troy, our archbishop of Dublin, an eminent dignitary of our church, in his Pastoral Letter, published in 1793, has told us, "that it is a fundamental article of the Roman catholic faith, that the pope or bishop of Rome is successor to St. Peter; prince of the apostles, in that see: that he enjoys by divine right, a spiritual and ecclesiastical primacy, not only of honour and rank, but of real jurisdiction and authority in the universal church: that catholics cannot conscientiously abjure the ecclesiastical authority of the bishop of Rome: that Henry VIII. of England was the first christian prince that assumed ecclesiastical supremacy, and commanded an enslaved parliament to enact it as a law of the state, and that the catholics consider it as an *usurpation*." Pursuant to this doctrine, we the catholics will endeavour, by every means in our power, to free ourselves from that *usurpation*; and pray, good protestant *usurpers*, assist us in doing so! put us into a capacity of effecting it! that is, of betraying our common country to dependance and slavery!

The patrons of this measure argue "that the sentiments of Romanists are changed for the better from what they were formerly." It is already shewn that if they have suffered any change since the reign of Henry VIII. the change has been for the worse, and that they now avow greater hostility to the constitutional independence of the nation (justifying that hostility upon principle) than they did at that period. But to give a clear and explicit refutation of this argument, it will be necessary to expose the avowed principles of the Romish religion in respect to temporal governments; to inquire whether they have been ever disavowed, and whether any material change has been effected in them at any, and what period.

And first, it is necessary to state, that all Romish bishops, and among the rest his majesty's subjects now resident in the British dominions, under the denomination of titular archbishops and bishops (who, in direct defiance of the laws, assume the titles of *most reverend* and *right reverend*, being the titles of real archbishops and bishops of this realm), at their respective consecrations swear an oath of allegiance to the pope, which is utterly inconsistent with their duty to his majesty and the state. Among other clauses (all exceptible) are the following: "that they will from that hour

forward be faithful and obedient to St. Peter, and to the holy church of Rome, and to their *lord* the pope, and his successors, canonically entering: that the papacy of Rome, the rules of the holy fathers, and the *regality* of St. Peter, they will keep, maintain, and defend against *all men*. The rights, privileges, and authorities of the church of Rome, and of the pope and his successors, they will cause to be conserved, defended, *augmented*, and *promoted*." Another clause in the oath is, "that heretics, schismatics, and *rebels* to the holy father and his successors, they will resist and persecute to their power." This clause Dr. Troy states to be now omitted in the oath of Romish bishops, in countries not in communion with the Romish church, at the instance of the late Empress of Russia, who made that a condition of her permitting a Romish bishop to reside within her dominions. If such be the case, the oath is sufficiently hostile to a protestant government without it.

I shall next repeat an extract from the oath taken by all Romish priests at their ordination.

"Fifthly, the holy catholic, apostolic, and Roman church, I acknowledge to be the mother and mistress of all churches; and to the Roman pontiff, successor of the blessed Peter, prince of the apostles, vicar of Jesus Christ, I promise and swear true obedience.

"Sixthly, all doctrines delivered, defined, and declared by the *sacred canons* and by the *general councils*, and especially by the *most holy council of Trent*, without the smallest doubt I receive and profess; and whatsoever is contrary thereto, and all heresies condemned, rejected, and anathematized by the church, I equally condemn, reject, and anathematize.

"Seventhly, *this true catholic faith, out of which there is no salvation, which at present I freely profess, and sincerely hold*, I do promise, vow, and swear that I will most constantly retain and conserve inviolate, with God's help, unto the last breath of my life; and that, as far as in me lieth, I will be careful that it be held by, taught, and preached to my *subjects*,* or those the care of whom shall belong to me in my function.

SO HELP ME GOD."

The next evidence of the principles of the Romish religion, in respect to temporal governments, which it is proper to adduce, is the decrees of the fourth general Lateran council, held under pope Innocent III. in 1215, in its third chap-

* All Romish priests call their parishioners subjects, in Latin *subditi*.
ter.

ter. This council consisted of four hundred bishops, and eight hundred other fathers.

"These decrees assert the power of the church (that is, of the pope) of disposing of the dominions of kings and princes, commanding temporal lords to purge their dominions of heresy under pain of excommunication, absolving their subjects from their allegiance, and exposing their dominions to the invasion of catholics; denouncing against kings, rulers, and subjects, guilty or even suspected of heresy, or inactivity in detecting and punishing heretics, the most terrible temporal punishments, such as *confiscation, banishment, torture, and death*; declaring that no faith is to be kept with heretics, nor conventions nor agreements made with them; or if made, that they were *nullities* in themselves, and that no communication of any kind is to be held with them."

The council of Constance in 1415, the subsequent council of Basil, and the famous council of Trent, of later years in the sixteenth century, all confirmed the decrees of the Lateran council, particularly in respect to heresy. That of Constance, in conformity with the decrees of the Lateran council, compelled Sigismund, king of the Romans, to break his faith with John Huss, and deliver him up to the council, contrary to his faith and safe-conduct, declaring, "that no safe-conduct given to a heretic under what covenant soever, by any emperors, kings, or other secular princes, ought to exempt such heretic from the judgment of his competent ecclesiastical judge, who may punish him, though he come to the place of judgment, confiding in that safe-conduct, without which he would not have come;" and John Huss was condemned for heresy by that council in its twelfth session, and burned alive in its fifteenth.

In conformity with the decrees of the council of Lateran, Pope Pius V. excommunicated Queen Elizabeth, and absolved her subjects from their allegiance: his bull for that purpose was afterwards renewed and confirmed by his successor Gregory XIII. Pope Clement IX. in conformity with the same decrees, issued his bull, enjoining the English Romanists to do their utmost to keep out the Scottish heretic (so he styled King James I.), that he might not in any wise be admitted to the kingdom of England, unless he would reconcile himself to Rome, and hold his crown of the pope, and conform himself and all his subjects to the religion of the Roman church.

It

It is to be remarked; that all these bulls were issued, not from the private ambition of the popes and court of Rome, but in direct conformity with the injunctions and decisions of the general councils of the Romish church.

- Charles VI. emperor of Germany, executed the treaty of Alt' Radstadt, and thereby granted certain privileges to some of his protestant subjects, and entered into some covenants with the protestant princes of the empire. Pope Clement XI. in a letter to that emperor, dated June 4, 1712, writes thus: "We by these presents denounce to your majesty, and at the same time by the authority committed to us by the most omnipotent God, declare the above-mentioned covenants of the treaty of Alt' Radstadt, and every thing contained in it which are any wise obstructive of, or hurtful to, or which may be said, esteemed, pretended, or understood to occasion or to bring, or to have brought the least prejudice to, or any ways to hurt or to have hurt the catholic faith, divine worship, the salvation of souls, the authority, jurisdiction, or any rites of the church whatsoever, together with all and singular matters which have followed, or may at any time hereafter follow from them, to be and to have been, and perpetually to remain hereafter *de jure*, null, vain, invalid, unjust, reprobated, and evacuated of all force from the beginning, and that no person is bound to the observation of them or any of them, *although the same have been repeatedly ratified or secured by an oath*; and that they neither could nor ought to have been, nor can nor ought to be observed by any person whatsoever."

The pope's legate at Brussels, in the year 1768, when an oath was in contemplation in parliament to be taken by the Roman catholics of Ireland, writes to Ireland in the following manner respecting that oath:—That the abhorrence and detestation of the doctrine, that faith is not to be kept with heretics, and that princes deprived by the pope may be deposed or murdered by their subjects, as expressed in that proposed oath, are absolutely intolerable, because, as he states, those doctrines are defended and contended for by most catholic nations, and the holy see has frequently followed them in practice. On the whole he states, that as the oath is in its whole extent unlawful, so in its nature it is invalid, null, and of no effect, inasmuch that it can by no means bind or oblige consciences.

It is now time to come to authorities still more modern in this point, and those of men of the Romish persuasion in high

high credit with our ministers. Doctor Troy, the Romish archbishop of Dublin (who at this day openly assumes and uses the arms of that archbishopric, surmounted with a cardinal's cap, from whence I presume him to be a cardinal), in a treatise which he entitles a Pastoral Letter, published by him in London and Dublin so late as the year 1793, asserts, "that all Roman catholics consider the express decisions of their general councils as infallible authority in point of doctrine." And Dr. Hussey, who informs us that he is Romish bishop of Waterford, appointed by the pope, in a pamphlet styled a Pastoral Letter, published by him in London and Dublin in 1797, not only holds the same doctrine, but forbids all Romanists, under pain of excommunication, to permit any of their children, under any pretence, to resort to a protestant school: in the same pamphlet he addresses the Romish soldiery, and exhorts them by no means to obey their officers in any orders relating to spiritual concerns, without particularly specifying what he means by spiritual concerns, but reserving the interpretation to himself and the Romish priesthood; and stating, that if any officer should enforce obedience to his orders relating to spiritual concerns, such officer might feel the effects of such conduct in the day of battle: that is, the Romish soldier might then turn upon, and assassinate him, or desert to the enemy.

It is very proper to remark here, that Dr. Hussey was, within these very few years, sent over to Ireland by the British ministry, under the protection of the English secretary of state in Ireland; and was made president of a most magnificent college (infinitely more grand, and of more expensive foundation, than any college in his majesty's dominions) then founded and endowed for the exclusive education of Romish priests in Ireland by the government, and by express directions of the British ministry; that is, for the perpetuation of popery and disaffection in so great a limb of the British empire! and that Dr. Troy, during the lieutenancy of the marquis of Cornwallis in Ireland, was in great credit at the Irish court.

An English Romish priest of the name of Milner, who as I understand is one of the four apostolic vicars in England, in a very recent publication has taken some pains to inform his sovereign or future sovereigns how far he or they may be bound by the coronation oath; and states, "that every human law and every promise or other engagement, however confirmed by oath, must necessarily turn upon the cardinal

dinal virtue of prudence;" which implies that it depends as to the obligation of fulfilling it in such and such circumstances on the question of *expediency*. I believe the protestant subjects of this empire have no great occasion to apprehend that his present majesty will consult this casuistical Romish divine on cases of conscience.

After this exposure of the present Romish religious principles, so radically hostile to the temporal government and established constitution of the British empire in church and state, of such antiquity, of such indisputable authority, *and of such recent avowal*, let the supporters of the present measure inform the house at what period, and by what public authority, did the Romish church or its votaries renounce or disavow these principles, or any and which of them. It is notorious they never did; their rejection of the oath of supremacy, simply an oath of allegiance avowing the independence of the state, their anxiety to have the law enjoining the taking of it repealed, amount to a full confession and avowal of the Romanists, that they have not in any shape changed those principles.

It has been frequently and confidently asserted by Romanists and their abettors, that the doctrines held by them respecting the supreme jurisdiction in spiritual matters, and its residence in a foreign tribunal, can never affect the temporal authority and jurisdiction in this or in any other country. What has been already advanced is sufficient to refute this assertion; but it is proper to add, that the supreme jurisdiction in spiritual matters does draw into its vortex a very large share of temporal power, as inseparably annexed to it, and incorporated with it, even though we exclude a vast portion of temporal jurisdiction claimed by the Romanists as adhering to the supreme jurisdiction in spirituals, which in fact does not belong to it, nor is incorporated with it. In proof of this, let the preambles of the several statutes heretofore enacted in this kingdom for abolishing the pope's usurped jurisdiction in spirituals be referred to: they particularise the vast portion of temporal authority inseparably annexed to the exercise of supreme jurisdiction in spirituals. (See the preambles of the acts of the 16th Richard II.; 24th Henry VIII. chaps. 12, 25; 25th Henry VIII. chaps. 20, 21; 26th Henry VIII. chap. 1; 32d Henry VIII. chap. 38; Irish acts of 28th Henry VIII. chaps. 13, 19; 2d Elizabeth, chap. 1.) These preambles recite the great mischief done to this empire "by appeals made to the see of Rome

Rome in causes testamentary; causes of matrimony and divorces; right of tithes, oblations, and obventions; by intolerable exactions for bulls, delegacies, and rescripts, in causes of contention; as well as for dispensations, licenses, and faculties, in an infinite number of cases."

Matrimony is held by the Roman catholics to be a sacrament, and the cognisance of it to belong to the spiritual jurisdiction. This, in many cases, would confer a jurisdiction on the pope as supreme head of the church, of deciding whether a man was the lawful heir of his father, and entitled to his real and personal estate; and whether a woman was entitled to dower; with several other temporal concomitants. Excommunication is a matter of spiritual jurisdiction; and the tyranny exercised over the property and other temporal concerns of the laity by the Romish priesthood in Ireland is terrible almost beyond description. Auricular confession and absolution, by giving them the dominion over the consciences of men, confer a mighty power in temporal matters upon them; and Bonaparte, though a fierce unprincipled tyrant and usurper, was so well convinced that the supremacy in spirituals would essentially contribute to the support and establishment of his temporal power, that he procured himself to be crowned by the pope as supreme head of the church.

In favour of the measure of investing Romanists with political power in the British empire, it has been urged, that the doctrine of the supremacy of the pope in spirituals is not attended with any ill consequences at present, and affords no subject of complaint to the temporal power, in any state in Europe, popish or protestant; though in all popish states, and in many protestant, Romanists are admitted into places of power and trust. The plain answer to this is, that all the popish states in Europe, previous to the anarchical progress of the recent French revolution, were either despotic monarchies, or equally despotic oligarchies, and that the people at large had no political power in them. The despot, or aristocratic rulers, insignificant in number when compared with the population of the state, possessed the whole political power; and no person, professing a different religion from that of the state, was permitted to enjoy any political power. The great mass of the people, being excluded from all manner of power or influence in the state, were, what Englishmen term, slaves: and every question which could arise from the claim of papal supremacy in such

states, was decided by the despots and the court of Rome: As these despots were themselves of the Romish persuasion, no controversy could happen between the temporal and spiritual jurisdictions, on the score of heresy or difference in religious opinions: the spirituality could never have occasion to put in execution the tyrannical decrees of the Lateran council against the despots themselves; and these despots actually became the executioners of the judgments of the spirituality, on such of their enslaved subjects as presumed to question any tenet of the Romish superstition; or they permitted the spirituality themselves to execute them: in respect to any other points of temporal jurisdiction claimed by the spirituality, as annexed to the supreme jurisdiction in spirituals, it became the interest of the despots to acquiesce in part in them, and thereby to attach the interest of the clergy to their own domination, well knowing that superstition can give strong support to despotic power, by inclining the people to submit to slavery; and the temporal and ecclesiastical powers found it their mutual interest to unite themselves, to ensure and continue the submission of the people.

In protestant despotic states it is not of great moment to the despot what religious opinions are held by a part of his subjects: the people have no power in the state, and it is of little consequence to the despot whether the men he employs as his servants are of one religious persuasion or the other, they being merely his creatures, and extinguishable at his pleasure. But in protestant states, in which the people, or their elective representatives, have some share in the government, Romanists were excluded, before the baneful progress of the French revolution, from all share of political power. The Swiss confederacy, composed of a league of small protestant and Romish states for their mutual security, is a strong instance of this: in the protestant cantons no Romanists were admitted members of the senates, or even to any places of trust or confidence in the state: a similar regulation took place in the Romish cantons with respect to protestants. In the United Provinces, so often cited as models of toleration, though all sects were tolerated, yet civil offices were only enjoyed by professors of the established religion: "It was not there considered as a punishment on men to be excluded from public offices, and to live peaceably on their own revenues and industry." (See Hume's History, vol. viii. page 274.) Romanists were also excluded in Holland from seats in the assembly of the states-general.

general. If therefore the British empire is to be influenced by the practice of every popular protestant state in Europe, Romanists should not only be excluded from all places of trust and power, but from all situations which would invest them with any share of political power; and above all from seats in the supreme legislative assemblies, the houses of lords and commons. But the very constitution of Britain is such as renders the exclusion of Romanists from seats in the legislative assemblies not only expedient, but of absolute imperative necessity. In the British empire the supreme legislative power rests in the king, lords, and commons; the commons being the representatives of the great mass of the people, or the democracy; the peers the representatives of the richest and most dignified part of the people, or of the aristocracy. In these two assemblies, but particularly in the house of commons, vastly the most powerful of the two, is vested the greatest and most efficient part of the sovereign power of the state: and to admit the avowed enemies of the constitution in church and state to form a part of the sovereignty of the state, is so manifestly an absurdity in politics, that it is surprising such a measure should be supported by men of ability professing themselves to be friends of the constitution.

As it has been more than once openly and confidently asserted by an able member of this house, (Mr. Fox,) that the exclusion of Romanists from the houses of lords and commons is an unjust invasion of their natural rights, it is necessary here to repeat what has been already mentioned, that Romanists exclude themselves, by their rejection of the oath of supremacy; an oath enjoined to be taken, not by them alone, but by all members of the houses of lords and commons, not being in its own nature an oath of exclusion, but an oath of allegiance to the state, abjuring all foreign jurisdiction: and their rejection of this oath amounts to an avowal, that they are in principle traitors to the state, in acknowledging a foreign jurisdiction. The argument by which this able senator supports this opinion is, that all members of the state are, by natural right, entitled to an equality of political power; so far as a capability of enjoying all the honours, emoluments, and privileges of the state, according to their respective abilities: that no member of the state should be curtailed of any of these privileges for any opinions he may entertain or promulge, be they ever so traitorous or hostile to the constitution, unless he attempts by some overt act to carry them into effect; for that opinions are not objects of laws, but actions only. But though

it be admitted that private opinions are not properly the objects of criminal or disqualifying laws without overt acts, are not the dissemination of opinions traitorous and hostile to the constitution, and attempts to proselytise people to such opinions, overt acts, and the objects of penal and restrictive laws in the British empire? A man may keep destructive poisons in his closet, without becoming obnoxious to the operation of any penal or restrictive law; but if he publicly vends or administers them, the laws restrain and punish him. It is also a fact, that preventive laws in the British empire, the wisest of all laws, do make opinions their objects, and fix disqualifications, not only on the maintainers of opinions, but also on those who may be reasonably suspected of holding certain opinions. For instance, revenue-officers are by act of parliament disabled from voting at elections of members of parliament; and by the place bill, certain classes of placemen and pensioners are disqualified from sitting in parliament; persons, not possessed of three hundred pounds per annum of landed estate, are disqualified from representing a borough, and those not possessed of six hundred pounds per annum from representing a county, in parliament. On what ground is it that so many persons are curtailed of their privileges? is it not on the suspicion that their particular interests will inspire them with opinions adverse to the interests of the state, and that they will vote in conformity with such hostile opinions, if admitted to the enjoyment of such privileges? Romanists, whose opinions are openly and avowedly hostile to the state, are in a better condition than the already mentioned respectable classes of society: by taking the oaths administered to all members of the legislative body, they may sit in parliament: not so with the classes mentioned; they are absolutely and irrevocably excluded.

This doctrine of natural rights, besides what is already mentioned, may receive the following full and decisive answer. Man from his very nature is a gregarious animal; there is no instance in nature of savage solitary man; society is necessary for his preservation and the continuance of the human race; therefore no right can be properly termed a *natural* right, which is not also a *social* right; or, in other words, the rights of society are natural rights: if therefore any man; or class of men, claim privileges as natural rights, utterly inconsistent with the well-being, and even existence of the society, or political state, of which he is a member, such claim is to be utterly rejected, as not being properly a claim of—

of a natural right; or if of a natural right in a solitary state of nature, (such a state being supposed to exist,) certainly not a claim of right to be admitted by the society of which he is a member; because it tends directly to the destruction of the society, and all claim of presumed right must yield to the paramount claim of real social right, the preservation of the state. Away then with the claim of Romanists to seats in both houses of parliament as their natural right!

It is here fit to remark, that Romanists cannot derive any support to their exertions and those of their abettors, for the repeal of the acts enjoining the taking of the oath of supremacy, from this doctrine, that opinions without overt acts are not the objects of legislation; because the overt acts of our own countrymen, and others, professors of this cruel and unrelenting superstition, for the purpose of subjecting the British empire to a foreign jurisdiction, since the commencement of the reign of Queen Elizabeth, have been too frequent, flagrant, and notorious to be denied. Witness the bulls of Pope Pius V. and his successors, for the dethronement and assassination of that queen and James I.; the conspiracies of her own Romish subjects, in conformity with these bulls, for her assassination, and that of her successor; the projected Spanish invasion; the gunpowder plot; the desperate Romish rebellion and horrible massacre of the protestants of Ireland in the reign of Charles I.; the obstinate and destructive rebellion of the Irish Romanists in the reign of William III.; the recent atrocious rebellion in Ireland, and the unprovoked murder of thousands of Irish protestants, men, women, and children, in cold blood; in extenuation and excuse of which rebellion and massacre, all the malevolence and falsehood of the whole republican, jacobinical, Frenchified faction in England, have been ever since employed; in too many instances with a pernicious and even a fatal effect.

In justification of the present proposed measure, pleas of merit in the modern race of Romish subjects have been advanced; and first, that they have conducted themselves peaceably and *loyally* ever since the revolution, though under the pressure of rigorous, impoverishing, and disqualifying statutes; and a great minister of state (Mr. Pitt) has been so far deluded by the misrepresentations and falsehoods of Romish advocates and emissaries, as to declare himself a patron of their claims, on the score of their *patience and forbearance* for a century past. Secondly, it has been asserted, that the Irish Romanists heartily concurred in the measure of union

union of the two nations (though it was opposed by the Irish protestants), and by their power, influence, and interest, not only contributed to the success of that great measure, but were the chief instruments of it. The truth of these two pleas I will separately examine, and reply to them both.

The first is a plea of loyal and peaceable conduct of the Romanists of the empire since the revolution.

When the Romish scheme of subversion of the protestant establishment in church and state, under the conduct, patronage, and influence of the bigoted monarch who then swayed the British sceptre, was completely defeated by the spirit of the nation (raised and directed by the renowned William III.), but through the medium of a bloody civil war, from the obstinate resistance of the Irish Romanists, the political power and consequence of the Romanists in Great Britain were annihilated, and in Ireland reduced to a very low ebb. In Great Britain their dwarfish number, compared with the gigantic multitude of protestants, ensured the political impotence of the sect; but the case was different in Ireland; the Romanists exceeded the other subjects in number in that country (though not in the magnified ratio stated in their own inflated accounts), which prevented their sinking into political impotence. Yet their decisive defeat at that period reduced them to great political imbecility: though fallen to the earth in both kingdoms, their reiterated conspiracies and rebellions induced the state to guard against their acquisition of new strength after their fall, Antæus-like: hence sprung the system of what are called popery laws in both kingdoms, enacted since the revolution. These laws, by popish writers, and the abettors of popery throughout the empire, are represented as most oppressive and unjust; and as the *causes* of the notorious disaffection of the Romanists to the state, and of their conspiracies, massacres, and rebellions: but this is a gross misrepresentation; for that part of the code particularly complained of as unjust and oppressive, was enacted in the reigns of William and Anne, after their conspiracies, massacres, and rebellions had been plotted and executed, and therefore was the *effect*, and not the cause, of their notorious disaffection and treasons. And these laws could not have been the causes of the last rebellion and massacre in Ireland, for they were all repealed prior to that rebellion and massacre. The popery code was nearly the same in both kingdoms.

These wise laws (for wise and provident they were, notwithstanding the false and clamorous declamations of Romanists

ists and their abettors against them) prohibited Romanists from the acquisition of landed property, political influence, and power, in both countries; and thereby disabled them in a great measure from disturbing the state, in conformity with their avowed principles. Whilst these laws remained unrepealed, the Romanists were more peaceable subjects than they now are, because it was not in their power to be otherwise: the maniac in a straight waistcoat, or the tiger in a cage, can do no mischief, yet deserve no commendation for their gentleness. The British ministry, influenced by active and able Romish agents, and imposed upon by the grossest falsehoods and misrepresentations (which have had a powerful effect on them, from their own absolute ignorance of the true state of Ireland), have, for these twenty years last past and upwards, exerted all their influence in the Irish parliament to procure the repeal of these laws, session after session, and have in a great measure succeeded, though they have not yet procured the repeal of the popery code in England in the same degree. In this respect they treated the Irish nation in the way that condemned malefactors have been sometimes treated, on whom dangerous experiments in physic and surgery have been tried, before their general application is sanctioned to the public. The English ministry, not content, in the year 1793, with procuring a bill to pass in the Irish parliament, for repealing all the laws which disabled Romanists to vote at elections of members of parliament, prefaced the bill with an assertion I cannot admit, to wit, that the conduct of the Romanists had been loyal. Whoever will take the trouble of turning to the Irish acts of the 19th of George II. of the 20th of George II. and to all the acts passed in Ireland for twenty years preceding the year 1793, for the suppression of the petty rebellions of the whiteboys and defenders, all Romanists, who have from time to time infested and desolated several parts of Ireland, committing the most atrocious acts of treason, will be clearly convinced that the Irish Romanists have no good claim to the character of loyal subjects, from the time of the revolution to the era of their late rebellion.

But supposing it were admitted, for argument's sake, that Romanists have been generally peaceable subjects, from the revolution till a few years before the breaking out of the late rebellion (loyal it cannot be pretended that they were, their avowed principle of the subjection of the nation to a foreign yoke being disloyal), they can derive no merit from such peaceable

peaceable demeanour: the popery-code rendered their submission to the laws a matter of necessity; they were peaceable because they were disabled, in a great measure, from exerting their avowed hostility to the constitution by the efficacy of the popery code; and nothing more clearly demonstrates the truth of this conclusion than this fact, which cannot be denied, that they have advanced in their march of sedition and treason at the same rate of progression, as the English ministry proceeded in Ireland with the repeal of the popery code; and they broke out into open rebellion, and commenced a massacre of the protestants of Ireland, very shortly after a great part of that code was repealed, and they were admitted to an equality of civil privileges with protestants, the capacity of sitting in parliament, and enjoying some great civil offices, excepted.

Can any circumstance carry a more decisive proof of the wisdom of the popery code, and of the folly of repealing it, than the actual consequence of that repeal just mentioned? and can any thing be more clear than the insufficiency of the claim of merit of Romanists, on the score of their peaceable and loyal conduct since the revolution? Loyalty certainly they never had the slightest claim to; their avowed religious principles are disloyal. To peaceable conduct their claim is also ill-founded in general; and where it has any foundation, it entitles them not to the gratitude of the state, because it was not the effect of choice, but of imbecility; and that the effect of the wise system of laws, the repealed popery code.

It may not be here improper to quote a passage out of the speech of the late Earl of Chesterfield, at the opening of the Irish parliament in the year 1745, he being then lord lieutenant of Ireland, to shew the opinion entertained by that able statesman, and the government he then served, of the popery laws:—"The measures (said he) that have been hitherto taken to prevent the growth of popery, have, I hope, had some, and will still have a greater effect; however, I leave it to your consideration, whether nothing further can be done, either by new laws, or by the more effectual execution of those in being, to secure this nation against the great number of papists, *whose speculative errors would only deserve pity, if their pernicious influence on civil society did not both require and authorize restraint.*"

The second plea of merit of Romanists, to wit, that they supported in Ireland the great measure of an union of the two kingdoms, and by their exertions effected it, is as void of

of foundation in fact, as the former. Every one, who has the smallest acquaintance with the history of Ireland, must acknowledge, that the whole body of Irish Romanists, from the commencement of the reign of Queen Elizabeth to the present time, has directed all its exertions to the separation of Ireland from England. Such separation was and is the point to which Irish Romanists have uniformly directed all their conspiracies, all their massacres, all their rebellions, all their political views and measures. The Irish protestants, on the contrary, were always firmly attached to Great Britain, and always looked to Great Britain for protection, countenance, and support; being ready at all times to expend the last shilling of their property, and spill the last drop of their blood, in defence of the just rights of the British empire. The whole body of protestants till a few years back, and a very great majority of them since, were ambitious of uniting the nation indissolubly to Great Britain by an incorporating union; and by their representatives in parliament actually petitioned the crown to procure such an union in the reign of Queen Anne; which petition was then, with unaccountable haughtiness, rejected. But the Irish Romanists, so late as the year 1795, proclaimed their hostility to that measure. In the spring of that year, the representatives of the whole mass of the Roman catholics of Ireland, chosen from every considerable district, city, and town in that kingdom, by open, popular election, assembled at St. Francis's Romish chapel, in the city of Dublin. In this assembly the most treasonable speeches, stuffed with the most virulent invectives against the British nation, and the most lavish praises of the French revolution, stigmatizing the war against the French regicides with the epithet of an *impious crusade*, and exhorting the nation to a separation from Great Britain, were uttered by several of the leading and popular Romanists. The assembly entered unanimously into several factious and treasonable resolutions. It was surmised at this assembly, that an union between Great Britain and Ireland was then in the contemplation of government, though no such measure had been announced; and one of the unanimous resolutions was the following: "Resolved, that we pledge ourselves, collectively and individually, to resist even our own emancipation, if proposed to be conceded on the ignominious terms of an acquiescence in the fatal measure of an union with Great Britain." By the unanimous vote of this assembly, consisting of above fifteen hundred men, representatives of

all the Romanists of Ireland, these resolutions, together with abstracts of the speeches of the principal demagogues among them, were published in most of the factious papers, both in Great Britain and Ireland. Here then is proof positive of the hostile sentiments of the whole mass of Irish Romanists, not of any partial body of them, to the measure of an incorporating union of the two nations so late as the year 1795.

Their declarations against the measure did not stop there; in the year 1799, as soon as an union was proposed by government, a meeting of the Romanists of the city of Dublin was convened by their leaders at the Royal Exchange; at this meeting, a very general one, they entered into violent resolutions against an union, which they published as usual in the factious papers both in England and Ireland. The same line of conduct was pursued in several other parts of Ireland. Though this hostility of the Irish Romanists to an union was perfectly impotent, the political imbecility of the whole sect, particularly after the suppression of their then recent rebellion, rendering them incapable either of promoting or obstructing the measure; yet the English government in Ireland condescended to negotiate with the party, and endeavoured to procure signatures of the dregs of the people of that persuasion to papers and addresses in favour of the measure. Several addresses of this kind appeared in the government prints; the names of wretches who could not write their names, appeared as if they were subscribers to such addresses. The very gaols were canvassed to procure subscribers, and multitudes of names appeared, as the names of real subscribers to these addresses, though persons of such names did not exist in the places from which the addresses were stated to have been sent: in short, with all the activity and intrigue of government, no considerable body of Romanists throughout the kingdom could be procured publicly to avow their approbation of the measure.

It is admitted, that many honest men, and good subjects at this side of the water (utterly ignorant of the state of Ireland, and of Irish affairs) have been duped, by the grossest falsehoods and misrepresentations, into an approbation of the measure now in debate; and that there is a difference of opinion among men of that description respecting it; but among demagogues, republicans, and infidels, there is no difference of opinion on it. They are unanimous in its support; and their unanimity on the point should induce all loyal subjects, who have been deluded into an opinion of its utility to the state,

state, to re-examine the grounds of their opinion, and the authenticity of the information on which they formed it.

It is fit to be remarked, that the first decisive step of the French revolutionists in their career of anarchy, was the subversion of their church establishment, which led immediately to the subversion of their civil government. The consequence of the proposed measure, if adopted, will be the same in the British empire; it therefore meets the approbation of all the Jacobins in it.

To demonstrate that Irish Romanists neither gave, nor could give, any assistance to the measure of an incorporating union, it is only necessary to state a known matter of fact, which is, that a great majority of the Irish parliament would never have agreed to an incorporating union with Great Britain, if any hint had been given, or had it even been suspected, that the present measure would be attempted, after an union had taken place. I call on the persons concerned on the part of government in conducting the business of the union in the Irish house of commons to deny this fact, if they can; for my own part, I can truly aver, that, instead of warmly supporting the measure of an union in the Irish commons, I would have opposed it to the utmost of my power, had I suspected that such a measure as the present would have been introduced into the imperial parliament, in the event of an incorporating union taking place; and I know many members of the Irish commons, supporters of the union, who would have decidedly opposed it, had they any suspicion of the present measure being one of its consequences: in short, a great majority of the Irish commons would have done so. One principal argument made use of by all the agents of government to the Irish members to induce them to agree to an union was, that all hostility of the British cabinet to Irish protestants, and all further encouragement and support of Irish Romanists, would for ever cease, on an union between the two countries taking place, because all inducement to such a species of policy would then for ever cease. Could any British subject ever suspect that in the reign of a prince of the house of Brunswick, a measure would be proposed in a British parliament, the attempting of which cost the unhappy James II. his crown, expatriated him and his posterity, and caused a breach in the hereditary succession of our kings, always a serious evil in an hereditary monarchy? Astonishing, that what our kings could not even attempt with impunity, should be, after a lapse of one century, daringly attempted;

attempted; and that too under the reign of a prince, whose sole title to the crown rests on a principle directly adverse and opposite to the principle of this measure! His title is a protestant title, and, thanks to Heaven! our monarch is a protestant, a sincere one, and bound by his oath, and as strongly by his principles, to maintain the protestant religion as by law established. This measure directly tends to the sapping of his title; for if it is just and advantageous to the state, now to invest Romanists with equal political privileges with protestants, it was equally so in the reign of King James II.

Such a measure, now that an union between Great Britain and Ireland has taken place, is more mischievous to the British empire, than it could have been in the reign of James; because in his reign few Romanists could obtain seats in the British parliament, as their sect was not then, nor is it now, very numerous in Great Britain. But Irish Romanists, if this measure succeeds, will obtain seats in the imperial parliament, and in the course of a few years (as will be presently shewn) above eighty Romanists, out of the hundred Irish commoners, will obtain seats in the imperial parliament: a strong band, indissolubly knit together, who will certainly be allied to every junto of republicans, every band of dissenters, in every opposition to government, unless they shall be gratified to the utmost extent of their wishes, by the utter subversion of the constitution in church and state. Can any doctrine make more for the purposes and designs of the infidel and republican factions in our empire? Can any measure more directly tend to the subversion of our constitution in church and state, and the introduction of anarchy, democracy, and infidelity?

It may be justly remarked, that this measure for the elevation and aggrandizement of popery, following so immediately on the heels of the Romish rebellion in Ireland, and the horrible massacre of the Irish protestants in the course of it, coupled with the almost general pardon of the principal traitors and murderers, actors in it, if it should be adopted, must, by every reasonable man, be considered as a public reward conferred on Irish Romanists for their rebellion and cruel murder of their protestant fellow-subjects in cold blood; and that too a reward of the utmost magnitude and value: it is already proved, that it cannot be esteemed a reward of their merits, for merits they have none.

The favourers of this measure allege, that it is calculated to

to produce unanimity among the European subjects of the British empire, now more necessary than heretofore to the prosperity and independence of the state, from the overgrown power of France, and (echoing the words of James II. in support of the same measure) "that it will render the subjects of the British empire happy and flourishing at home, and formidable abroad." But it is demonstrable that the adoption of it will produce the direct contrary effect, and will arm the Romanists with a formidable power, which they will infallibly exercise for the destruction of the state. The religious tenets of Romanists render them irreconcilable enemies to a protestant state; they must cease to be Romanists before their hostility to such a state can be extinguished: they hold, as infallible doctrines, the decrees of the fourth Lateran council: they hold as a point of faith, the supremacy of the pope: they hold themselves bound by all the obligations of religion, to propagate these doctrines by every means of persuasion and force. In conformity with such doctrines they hold, that all people, differing from them in matters of faith, are heretics doomed to eternal perdition: they hold that no faith is to be kept with heretics: they hold that no oaths of allegiance to an heretical prince or government are binding. Can the members of such a sect be admitted to share in the government of a protestant state? I conceive that no honest man in his reason will answer in the affirmative. No protestant state in Europe, in the government of which the people at large have a share, such as the republic of the United Provinces before the late revolution, ever admitted a Romanist, or any person who did not profess the religion of the state, to any portion of political power. No arguments in favour of the measure can be deduced from the employment of Romanists in some departments of the state by protestant despotic princes; because in their states the people at large have no political power, and the ministers must implicitly obey the orders of the prince; yet even in such despotic states, the instances of the elevation of Romanists to great employments are very few, if any.

It may be objected, that Romanists declare themselves ready to swear allegiance in temporal matters to a protestant government; and assert, that they hold no such doctrine, as that faith is not to be kept with heretics: and to shew that they look on oaths to heretics to be binding, they argue, that if they did not think themselves bound by such oaths, they would not refuse to take the oath of supremacy, the taking
of

of which would qualify them to enjoy the privileges they are now so ardently in pursuit of. To this it is answered, that the aforesaid doctrine is contained in the decisions of the Lateran council, a very general one, and so held to be by all Romanists: that the practice of the court of Rome, and of all its vassals and votaries, has been always strictly conformable to such doctrine: that the recent publications of the most celebrated divines of that persuasion, and among others, of Doctors Troy and Hussey, one an archbishop, the other a bishop, and both subjects of this empire, state, "that Roman catholics consider the express decisions of their general councils, as infallible authority in points of doctrine;" that the rejection of the oath of supremacy by Romanists, notwithstanding their taking it would entitle them to great privileges, is no proof that they consider themselves bound by oaths, by which they plight their faith to an heretical government, or to heretics in general: because the oath of supremacy contains an abjuration of the supremacy of the pope, under the title of a foreign prelate; and such an oath their religion will not permit them to take. Doctor Troy, among others of their eminent divines, tells them, "That Roman catholics cannot conscientiously abjure the ecclesiastical authority of the bishop of Rome, the supreme jurisdiction of the pope in spirituals being a fundamental article of the Romish faith." But the express decisions of the council of Lateran (infallible authority with them in points of doctrine) tell them that no faith is to be kept with heretics, and that all pledges of faith given to heretics, by oaths, or otherwise, "are absolutely null and void, consequently are not binding, and ought not to be observed; so that they may take such oaths, and break them at their pleasure, as absolute nullities in themselves:" and such has been the constant and avowed practice of their church.

It is now time to give a general catalogue of the momentous alterations in the British constitution in church and state, which will be the inevitable consequences of this measure if it shall take place: but it is however first necessary to make a few preliminary observations.

By the union, the number of Irish representatives in the commons are reduced from three hundred to one hundred; of these, sixty-four are members for counties, and the remaining thirty-six for cities and great towns. All close boroughs, with the exception of one, as I recollect, and the most of the influenced boroughs, are deprived of the privilege of sending representatives

representatives to parliament. By an Irish act of parliament in the year 1793, obtained by the intrigues and influence of the British ministry, and passed in opposition to the opinions of the best informed men in Ireland, Romanists became entitled to vote at the elections of members of parliament. Most of the cities and great towns, which retain the privilege of sending members to parliament since the union, such as Dublin, Wexford, Waterford, Cork, Limerick, Galway, Derry, Carrickfergus, and Drogheda, are counties within themselves; and a freehold of forty shillings annual value entitles the person seised of it to a vote. Newry and some other towns are pot-walloping boroughs; so that the representatives of the Irish commons are almost all returned to parliament by elections merely and purely popular. The right of voting in very few of the towns or boroughs entitled to representation in parliament is confined to the members of the corporation only; and Romanists, by the aforesaid Irish act of 1793, are entitled to become members of corporations. The Irish Romanists are in the proportion of about two to one to the Irish protestants in general; and the proportion among the peasantry of Ireland is greater in favour of the Romanists, than among the other classes of society. The landed estates in Ireland, in the possession of protestants and Romanists, are in the proportion of fifty to one in favour of the protestants; but when the bill in 1793 passed, qualifying Romanists to vote for representatives in parliament, the protestant landlords almost universally changed the tenures of their popish tenants, which before were for terms of years, into freehold leases; vainly imagining, that they would always retain influence enough with their Romish tenantry to command their votes at elections. Little did they consider the all-ruling authority of Romish bigotry over its votaries, as many of them found to their great disappointment at the general election which first succeeded the year 1793. One gentleman of large landed property, and a representative of a county, informed me, that he and his colleague had every reasonable expectation, from their great landed interest in the county, of being returned members for it without any contest or expense: but a gentleman of very insignificant landed property in the county, unexpectedly declared himself a candidate, and went round to all the Romish chapels, soliciting the votes of the Romanists in the county, and promising, if elected, to support all their pretensions in parliament. On this occasion the Romish tenants of the gentleman who gave

gave me the information, made freeholders by himself, universally deserted him, and promised their votes to the new candidate; and the Romish priests through the country so effectually bestirred themselves with their votaries in support of the new candidate, that my friend and his colleague were obliged to give a large sum of money to this adventurer to induce him to abandon the canvass, and thereby to save themselves from the fatigue and expense of a contested election. Certain it is, that the whole body of the Romish peasantry, who, by the folly and credulity of their landlords, have been made freeholders since the year 1793, will desert their interest on every election, when told by their priests that it is for the interest of their religion that they should do so. In the last Irish rebellion, the popish peasantry pursued their landlords (most of them very indulgent to their tenants, and from their attachment to Romanists entitled men of liberality) with the utmost fury and rancour, massacring them and their families without mercy, when they fell into their hands. Such has been the frenzy of the protestant landlords of Ireland, and their ambition of surpassing each other in county interest, that they have made almost the whole mass of the popish peasantry forty-shilling freeholders since the year 1793: so that the Romish freeholders of that description exceed in number the protestant freeholders of every description, throughout three parts in four of Ireland: and if this measure shall take effect, Romanists will be returned members of parliament for most of the counties at large, counties of towns, and potwalloping boroughs throughout Ireland; and the principle of representation in the British constitution, that property should be the basis of representation, will be completely reversed in Ireland, and the basis there will be numbers, not property.

But even in respect of property, the influence of popery will be daily advancing in Ireland, because, in a commercial country, land is as often at market, and changes hands, as personal property; and landed as well as personal property will, in a slow but certain progression, creep to that class of the population which is the most numerous. From the foregoing observations it is a just conclusion, that in a very short time, if this measure is effected, eighty at least out of the hundred Irish representatives will be Romanists; and it is fair to conjecture, that twenty or more Romanists will obtain seats in the imperial commons for English boroughs, as the whole Romish faction throughout the empire will exert their powers to strengthen their party in parliament; and some Romish peers will

will sit in the upper house. The Romanists will certainly act in parliament as one body; their union, cemented by religious principle, and the interest of their sect, will smother every seed of dissension among them: all allurements of individual interest will fail of effect, when put in competition with the interests of their religion; their bigotry will bind them together in adamant bonds; and what their conduct in the supreme legislative council of the empire will be, it is not hard to divine.

The first measure they will unanimously propose, and with unremitting efforts pursue and support, will be the repeal of so much of the Irish act of 1793, conferring on them the elective franchise, as continues the disability of Romanists without taking the oaths, to fill about thirty or forty of the great offices of the state, in the departments of which is lodged the executive power of the government. By the incessant intrigues in Ireland of the English ministry, the test and corporation acts had been repealed in that part of the empire previous to the union, with the exception of the above-mentioned great offices of the state: these are the offices of lord lieutenant, of lord chancellor, of the twelve judges, of the commander in chief of the army, of the king's counsel, of the sheriffs, and a few others. If the minister of the day, at a future critical period, should oppose, or decline to support such a measure, the whole corps will immediately join the opposition; and the opposition, to secure the assistance of such numerous auxiliaries, will heartily fraternize with them. In many cases of national distress and difficulty, the ablest minister, though adverse to their claims, will be unable to stem the torrent; and the part of the test and corporation acts, yet in force in Ireland, will not survive the admission of Romanists into parliament for many sessions. When the capability of Romanists of filling these great offices in Ireland is once established, will it be practicable to exclude them from occupying them? Certainly it will not. Their dissatisfaction at such exclusion would be greater than at their former disqualification. The great majority of the Irish representatives in the imperial parliament being Romanists, aided by the English Romanists, and indissolubly connected, would wring from the minister the whole civil patronage in Ireland, and secure all the offices there for their own sect: in fact, the civil establishment in Ireland would become completely Romish.

Would the Romish representatives in parliament then be contented? Would their clergy in Ireland, and the mass of

their persuasion, acquiesce without murmur in the enjoyment of the ecclesiastical revenues in lands and tithes by the protestant clergy? Would they not immediately grasp at them? If the whole executive power of the state there be committed to Romanists; if the lord lieutenant, the lord chancellor, the judges, sheriffs, and all the administrators of the law in that nation should be Romanists; who would warrant the enjoyment of the ecclesiastical revenues there to the protestant clergy, or maintain their possession of them? The minister himself would not be able to secure the laws entitling the protestant clergy to these emoluments from alteration and repeal, if the great body of the Irish representation in parliament demanded such a sacrifice, which it would not fail to do. The utter subversion in Ireland of the church establishment would follow on the heels of the subversion of the civil, and Ireland would immediately become a popish country.

But would the ambition of the Romish faction in the imperial parliament stop here? Certainly it would not. The tenets of popery enjoin continual exertions for its propagation, support, and aggrandizement; and every Romanist would beside have the additional spur of particular interest and ambition, to stimulate him to further exertions on behalf of the sect. The test and corporation acts, being in full force in England, would oppose effectual barriers against the attainment of offices of profit and power in England by Romanists. They would observe, that Scotchmen, by the weight of Scottish representation in the imperial parliament, much lighter than that of Irish and Romish representation, had obtained such offices in England, though they had almost engrossed all places of emolument or power in Scotland: they would also observe, that British and Irish protestants were capable of enjoying offices in Ireland; but that British and Irish Romanists were excluded from all offices of emolument or power in England by the test and corporation acts: they would then loudly complain of this inequality of condition with their fellow-citizens in the British empire, and state that they were excluded from such offices in four-fifth parts of the British empire, and admitted only to the full privileges of citizens in the one-fifth, without having any exclusive privilege even in this one-fifth. If the minister of the day stood in need of their assistance in parliament, as he often would, he must listen to such complaints, and listen with attention and favour: circumstances might compel him to join them in their efforts to repeal the test and corporation acts; and if he should determine

mine to support these remaining bulwarks of the constitution, they would join the whole herd of republicans, who have so often reprobated these statutes, and attempted their repeal. Two attempts of this nature, one in 1789, the other in 1790, must be in the recollection of many members of this house: it required all the abilities of the able minister, who at that time principally conducted the business of the nation, to defeat them. If the party which made these attempts shall be reinforced by above one hundred members, steady and determined in their hostility to these two statutes, who can answer for their continuance as part of the law of the empire for any length of time? They will undoubtedly yield to the incessant mining and continued assaults of a determined, vigilant, and insidious enemy, constantly recruited by the venomous offspring of infidelity, republicanism, and jacobinism: the constitution, in church and state, will infallibly sink under the combined pressure of such a chaotic mass of desolating innovation.

The attempt to obtrude this measure on the nation is, in fact, but the rehearsal of the first act of the Gallic tragedy on the British stage. The introduction of members of all sects into the Gallic national assembly was followed immediately by the subversion, or rather extinction, of their national religion; and that by the complete subversion of their government, and the substitution of the most barbarous despotism which ever ravaged and deformed any region of the civilized world. *Principiis obsta*: let us firmly resist all approaches of the ferocious monster, *Gallic anarchy*!

Britons, it is necessary to call to your recollection, and set before your eyes, the statutes, the repeal of which must precede, or inevitably follow, the adoption of this measure; because such display will convince you, that this measure and its consequences directly tend to the complete subversion of your constitution, which has been improving from the commencement of the reign of the glorious Elizabeth, till its attainment of its present unrivalled excellence! under which you and your ancestors for two centuries have lived and flourished; and which has descended as an inheritance, during that period, in succession from father to son!

The statute of the first of Elizabeth, enacting that all public officers shall take the oath of supremacy: that of the first of William and Mary, or the bill of rights, new-modelling the oath of supremacy, and extending the sphere of administration of that oath: the acts of the thirtieth of Charles II. ch. 2, and the first of George I. ch. 13, enacting, that no

member shall sit or vote in either house of parliament, till he hath, in the presence of the house, taken the oaths of allegiance, supremacy, and abjuration, and repeated and subscribed the declaration: the act of the thirteenth of Charles II. called the test act, requiring all public officers to take the above oaths, repeat and subscribe the declaration, and receive the sacrament of the Lord's supper according to the usage of the church of England: and the act of the twenty-fifth of Charles II. ch. 2, called the corporation act, incapacitating all persons from being elected officers of any city or corporation, without their having, within a twelvemonth previous to their election, received the sacrament of the Lord's supper according to the usage of the church of England; and also requiring them to take the above-mentioned oaths:—all these acts must be repealed! all the fortifications, erected for the safety and preservation of our constitution in church and state for two centuries, must be levelled with the dust.

Judge Blackstone, an able and constitutional lawyer of modern days, states, that the acts of Charles II. and George I. requiring all members of both houses to take the oaths, and repeat and subscribe the declaration, were enacted to prevent crude innovations in religion and government. The test and corporation acts he styles the bulwarks of the constitution, and states, that they were enacted to secure the established church against perils from nonconformists of all denominations, among which he particularly enumerates *papists*. (See Blackstone's Commentaries, vol. i. p. 158, and vol. iv. p. 57. 8vo. edit.)

It is now time to advert to the conditions of union between England and Scotland, and between Great Britain and Ireland, which relate to the church establishment; and to inquire whether the present measure can be adopted consistently with the obligation of these conditions, and the preservation of the public faith.

In the act of union of England and Scotland, the fifth of Anne, ch. 8. two acts of the respective parliaments of England and Scotland, for the unalterable security of their respective church establishments, are recited: that of England being for effectually and unalterably securing the true protestant religion, professed and established by law in the church of England, and the doctrine, worship, discipline, and government thereof. The English acts of uniformity of Elizabeth and Charles II. and *all other acts then in force* (among the rest, the thirtieth of Charles II. before-mentioned); *for the preservation*

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tion of the church of England, are declared perpetual: and it is enacted, that every subsequent king and queen shall take an oath inviolably to maintain the same within England, Ireland, Wales, and the town of Berwick upon Tweed. And it is further enacted, that these two acts shall for ever be observed as *fundamental and essential conditions of the union*. On these conditions of the treaty of union Judge Blackstone makes these observations: "That whatever else may be deemed fundamental and essential conditions, the preservation of the two churches of England and Scotland, in the same state they were in at the time of the union, is expressly declared so to be; and that therefore any alterations in the constitutions of either of these churches, would be an infringement of these fundamental and essential conditions." The fifth article of the union of Great Britain and Ireland is in the following terms: "That it be the fifth article of union, that the churches of England and Ireland, as now by law established, be united into one protestant episcopal church, to be called the united church of England and Ireland; and that the doctrine, worship, discipline, and government of the said united church shall be and shall remain in full force for ever, as the same are now by law established for the church of England; and that the continuance and preservation of the said united church, as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union: and that in like manner the doctrine, worship, discipline, and government of the church of Scotland shall remain, and be preserved, as the same are now established by law, and by the act of the union of the two kingdoms of England and Scotland."

It is clear that every measure tending to the breach of these fundamental and essential conditions of the two unions ought to be rejected by this house with indignation: the very proposal of such a measure to this house is an insult to it; as it must be founded on the presumption, that this house is capable of violating the public faith reciprocally plighted by the nations composing the British empire to each other, on their consolidation into one body. If this measure should be adopted, the act of the thirtieth of Charles II. requiring all members of both houses to take the oath of supremacy, and repeat and subscribe the declaration, will be repealed by its adoption, as well as the bill of rights and the test and corporation acts: these are made perpetual by the conditions of the union of England and Scotland, being enacted for the preservation

vation and continuance of the church of England; and, as Judge Blackstone expresses it, for the prevention of crude innovations in religion and government. Exclusive of this direct breach of the conditions of the union, it is already shewn, that the whole tendency of the measure, and its notorious consequences, are, the subversion of the established church in Great Britain and Ireland, in violation of the public faith plighted on the completion of two incorporating unions; the introduction of infidelity and atheism, by the annihilation of all the bonds of society springing from an established religion; and the consequent introduction of anarchy and democracy—the true reason (however disguised under the mask of liberality) why this desolating, faithless, Gallic measure has met the approbation, and acquired the patronage and support of all the jacobins in the British empire.

It is some consolation to reflect that the subjects of this empire, attached to the constitution, have yet one barrier left to resist that inundation of impiety, democracy, and barbarity, with which this measure is calculated to overwhelm it: that is, his majesty's coronation oath; a barrier, I am convinced, sufficient to defend us, during the precious life at least of the pious and conscientious prince who now sways the British sceptre; a barrier raised by the wisdom, piety, and patriotism of our forefathers.

The oath enjoined by the statute of the first of William and Mary, to be taken by the king at his coronation, has the following clause; “I will to the *utmost of my power* maintain the laws of God, the true profession of the gospel, and the protestant reformed religion established by law.” By the act of Anne ratifying the union of England and Scotland, as is already stated, it is enacted, “that two acts of the respective parliaments of England and Scotland, for the unalterable security of their respective church establishments therein recited, shall be perpetual;” and in both of these recited acts, an addition is made to the coronation oath; and it is enacted, “that the succeeding kings of Great Britain shall, at their coronations, swear to maintain and preserve inviolably the settlement of the church of England, as specified in that statute, for the unalterable security of the church of England, and the doctrine, worship, discipline, and government thereof, as in that act specified, within the kingdoms of England and Ireland, the dominion of Wales, and the town of Berwick upon Tweed, and the territories thereunto belonging.” A similar oath is prescribed to be taken at the coronation by all succeeding

succeeding kings, for the inviolable preservation of the then established religion in Scotland. The coronation oath not only binds the king to refuse his assent to any alteration in the religions of England, *Ireland*, and Scotland, as they were established at the time of the union of England and Scotland, but he is equally bound to refuse his assent to any measure, directly tending to the subversion of the religion then established; and also to discountenance, as far as in him lies, all attempts of that nature.

The patrons of this measure, sensible of this impediment, have not been wanting in their endeavours, by sophistical arguments, casuistical distinctions, misrepresentations of some facts, suppression of others, and suggestion of falsehoods, in pamphlets and newspapers, to sap the foundation of this barrier, which they were unable to surmount. One pamphlet of this nature deserves particular notice, inasmuch as it is an epitome of all the arguments against the obligation of the coronation oath; and is launched into the world under the name of a gentleman, whom I understand to be a person of some reputation, as a lawyer and conveyancer, and of the Roman catholic persuasion. It is entitled, "A Letter to a Nobleman on the proposed Repeal of the penal Laws which now remain in force against the Irish Roman Catholics, from Charles Butler, Esq. of Lincoln's Inn, author of the Notes and Annotations on Coke on Littleton." This pamphlet, after stating that the author is less acquainted with the Irish popery laws than with the English (which is indeed sufficiently manifested by its contents), proceeds to give what it styles an outline of them; but in truth it is an odious, monstrous, and detestable caricatura of the provisions and effects of the Irish popery acts of the 2d and 8th of Queen Anne. *The whole scope of these two wise and provident statutes was to prevent Romanists from acquiring landed property in Ireland*, their antecedent rebellions and barbarous massacres of the protestants of Ireland having rendered such a prohibition at that time not only expedient; but absolutely necessary. The pamphlet admits, that these acts are now repealed, but the caricatura is inserted by way of ornament to the subsequent argument against the obligation of the coronation oath, the main drift of the pamphlet. The pamphlet then praises the loyalty of the Irish Romanists in the course of the war; and states that of the five directors of the united Irish only one was a Romanist; but it should at the same time have stated, as the truth is, that the other four were desperate jacobins and infidels, with which species of people

people the Irish rebels had closely connected themselves; and that nearly the whole mass of Irish traitors which broke out into open rebellion in the year 1798 were Romanists, not one in five hundred of them being of any other religious persuasion; and that they massacred in cold blood all the protestants, men, women, and children, who fell into their hands; giving no other reason for their barbarity, than that the victims were protestants and heretics. It appears from some passages in the pamphlet, that it was written and published since the year 1798. In that year burst forth the last rebellion of the Irish Romanists, and the barbarous massacre of their protestant countrymen. The reports of the committees of the English and Irish houses of commons have been some years published: the conspiracy for rebellion, and the dreadful and dangerous mutiny of the Irish Romanists in the British fleet, are fully exposed in these reports; yet the author of the pamphlet has the confidence to praise the loyalty of the Irish Romanists, and to state, that in the late invasions of Ireland, none were more active in repelling the invaders; and that among the men of influence and property, who were engaged in the rebellion, three catholics cannot be mentioned. There was but one invasion of Ireland during the last war, that conducted by Humbert, at the head of one thousand French troops. He landed in a part of Ireland in which the bulk of the inhabitants were Romanists, who joined him in a mass on his landing; at his first encounter with the king's troops, the greater part of a regiment of Irish militia, all Romanists, deserted to him; all the Romanists of influence or property within the districts adjacent to his quarters joined him. What then could induce the author to praise the loyalty of the Irish Romanists? He states that if the Irish Romanists did not flock to the standard of Britain, frightful indeed would be the solitude of her camps and her fleets. Poor Britain! Irish Romanists, according to this pamphlet, are your only defenders! The author means to insinuate, that all the Irish serving in the British fleets and armies are Romanists, whereas not one half of them are so: and it is certain, that the protestants of Great Britain and Ireland would furnish sufficient armies and fleets, if Romanists were entirely excluded. Since the mutiny in the fleet, the recruiting officers for some time refused to enlist any Irish Romanists for the marine service. The degree of merit of a Romish common soldier, serving under protestant officers in an army, nine tenths of the common soldiers of which are protestants, in

in countries remote from his native land, removed from the baneful influence of his priests, and subject to military discipline, is so minute, that its value is not easily appreciated. He enlists for the bounty; he is paid for, and obliged to perform his allotted service. The author of the pamphlet either did or did not know of the already mentioned rebellion and mutiny, when he published his praises of the loyalty of the Irish Romanists: in the first case, he seems to be deficient in candour; in the other, in information. The pamphlet then states, that the Roman catholics acknowledge the spiritual supremacy of the pope, but to a man deny his right to temporal power. It can hardly be supposed that the author, if he be a lawyer, can be ignorant, that the wisest and most sagacious statesmen and legislators cannot separate a vast portion of temporal influence, authority, and power, from the supremacy in spirituals; their adhesion is indissoluble, they must for ever accompany each other.

It is now time to advert to the principal argument in the pamphlet, that the king is not by his coronation oath bound to resist the adoption of the present measure: this the author rests on the clause in that oath, which binds his majesty "to govern the people according to the statutes in parliament agreed on, and the laws and customs of the realm." The author then gives a mutilated extract from the next clause, to wit, that his majesty swears "to maintain the protestant reformed religion established by law," and adverts only to the coronation oath as settled by the 1st of William and Mary, without at all adverting to the additions made to that oath by 5th of Anne, or the act of union between England and Scotland. He then draws the following conclusion from these garbled premises, that the last clause can only mean the protestant reformed religion, as from time to time, under the legislation of parliament, it should be the church establishment of the country: that, as to the constitutional interpretation of the clause, it would be absurd in the extreme, unconstitutional, and perhaps even *treasonable*, to contend that the last clause precludes his majesty from concurring with both houses of parliament in any legislative act whatsoever; and even if it did preclude him from such a concurrence, it would be no objection to his repealing the laws remaining in force against the Irish Romanists, as the repeal of them will not interfere with the legal establishment of the church, with any part of the hierarchy, or with any of its temporal or spiritual rights and privileges. I have already remarked the

disingenuity of the author of the pamphlet in respect to his garbled quotations of the coronation oath, and his total omission of the additions made to it, by the act of union of England and Scotland, by which the king is obliged to swear at his coronation, to maintain and preserve inviolably the church of England, the act of uniformity, and all acts in force at the time of that union, for the perpetual preservation of the church of England in its doctrine, worship, discipline, and government (the act already mentioned of the 30th of Charles II. among the rest, whereby all members of both houses of parliament are bound to take the oaths previous to their sitting or voting in the houses) as it stood at the time of the union of England and Scotland, and consequently not to make or consent to the making any alteration in its doctrine, worship, discipline, and government, as it then stood. But the first deduction of the author from the clauses in the coronation oath, as partially quoted by him, that they can only mean, *the protestant reformed religion, as from time to time, under the legislation of parliament, it should be the church establishment of the country*, is founded on a sophism, to wit, the fraudulent assumption, that bills depending in parliament, and which have perhaps passed the two houses, are acts of parliament or statutes. The king, by his coronation oath, is bound to govern his people according to the *statutes* in parliament agreed on (that is, agreed on by king, lords, and commons, the king in his legislative capacity being an intregal part of the parliament), but not according to bills depending in parliament, and which may perhaps have been agreed on by a majority of the members of the two houses of parliament; for such bills are not laws nor statutes, nor in any manner binding on prince or people, till they have been agreed to by the monarch, and received the royal assent, without which they become waste paper.

It is sincerely to be hoped, that there will be such harmony always subsisting between the king and both houses of parliament, that no bill will be ever offered to his majesty for his assent, which he shall deem it expedient to reject; especially such bills as he is bound by his coronation oath, and by the express conditions of the two unions consolidating the British empire, to reject. But I cannot agree with the doctrine of some bold innovators on the British constitution, who have asserted, that the king is bound to assent to every bill which has passed through the two houses of parliament. Such doctrine is, in my opinion, (to use the words of the author of the pamphlet) absurd in the extreme, unconstitutional, and perhaps

haps even *treasonable*; as it teaches, that the king in his legislative capacity is a mere cipher. If (which God forbid!) the two houses of parliament should pass a bill containing clauses in direct contradiction to his majesty's coronation oath, and in violation of the articles of the two incorporating unions of England and Scotland, and of Great Britain and Ireland, and tender such a bill to his majesty for the royal assent, who will assert that his majesty is bound to give that assent in violation of his coronation oath, and the public faith? Such a crisis I have the firmest hope will never happen; if it should, I have no difficulty in asserting, that the king is bound by every principle of religion, and by every true principle of the constitution, to refuse his assent; though by such assertion, I incur the guilt of treason in the opinion of the *annotator on Coke on Littleton*! I acknowledge no power, in either or both houses of parliament, of dispensing with the obligation of lawful, positive, solemn oaths. I will not admit, that any man, or body of men, on the face of the earth, is invested with such a power. King James II. was chased from his throne for attempting to dispense with the laws of the land; what punishment is too great for those who would attempt to dispense with the laws of God? Leave such doctrine to Romanists and the court of Rome! 'tis not a protestant doctrine!

It may not be improper to observe here, that in the purest era of the constitution in the reign of William III. the royal assent to bills which had passed both houses of parliament has been more than once refused by the sovereign. In 1693, that king refused his assent to a bill to render all members of the house of commons incapable of places of trust and profit: the commons, in their resolution on that occasion, state that the royal assent had been refused to several public bills, and by that king in particular.

The author of the pamphlet asserts, that the repeal of all the laws complained of by Romanists would not interfere with the church establishment, or with any of its temporal rights and privileges. I trust it has been already proved, that though the present measure, if adopted, would not be immediately attended by the subversion of the present church establishment, yet the subversion of that, as well as of the civil establishment, would be the certain, and not very remote consequence of such adoption.

The author of the pamphlet then puts the following query:—"What system of casuistry made it lawful for his majesty to assent to the repeal of the large proportion of penal laws, repealed by the acts of 1788, 1782, and 1793, and now makes

it unlawful for him to assent to the repeal of *the small proportion of those laws yet remaining unrepealed*; or, that made it lawful for him to sanction a partial repeal of the test act in 1782, and makes it unlawful for him to sanction a *total* repeal of it in 1801?" To this question it is answered, that the repeal of the parts of the popery code (which the pamphlet styles *penal* laws, but which are in fact *remedial* laws only) at the periods mentioned, does not confer any very considerable portion of *political* power on the Romish sect even in Ireland; and the repeal cannot be followed by consequences subversive of the constitution in church and state; and therefore his majesty might give the royal assent to such repeal consistently with the obligations of his coronation oath. The partial repeal of the test act exempts Romanists in Ireland from the necessity of taking the oath of supremacy, and receiving the sacrament, on their appointment to places, and becoming members of corporations; but all places in the department of which the executive power and authority of the state are lodged, and all offices in corporations, are yet reserved and excepted from their grasp, unless they perform the usual requisites of all others his majesty's subjects on their attainment of such places and offices. The author of the pamphlet is desirous that these reservations and exceptions should be repealed, and styles them a *small* proportion of the popery code yet remaining: it may be admitted that they are small in bulk, but very great indeed they are in importance. On the continuance and perpetuity of them depend the continuance and perpetuity of the constitution in church and state. Are these matters of trifling moment? What commandant of a strong and important fortress, the chief defence of a kingdom, would be justified in the surrender of it to a cruel, merciless, and unrelenting enemy, because it was deemed advisable, for the better defence of the place, to slight some weak and unimportant outwork, and permit the foe to possess themselves of it?

The author, after the preceding train of reasoning, seems to abandon it all for the purpose of introducing one conclusive argument against the obligation of the coronation oath, which he deems irrefragable. "All this discussion," says he, "is superfluous;—the coronation oath was fixed in Ireland by the first of William and Mary; at that time Roman catholic peers had their seats, and voted in the house of lords; Roman catholic commoners were eligible to the house of commons; and all civil and military offices were open to Roman catholics; they were deprived of these rights
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by the acts of the 3d and 4th of William and Mary, and the 1st and 2d of Queen Anne. Now the coronation oath can only refer to the system of law which was in force when the act which prescribed it was passed; but the Irish laws meant to be repealed are subsequent to that act; to these laws, therefore, or to any similar laws, the coronation oath cannot be referred.

Before I expose the absolute errors in fact in the premises from which the author deduces his conclusion, I will examine the justice of the conclusion, supposing the premises to be true. The coronation oath of the 1st of William and Mary binds the king "*to the utmost of his power to maintain the laws of God, the true profession of the gospel, and the protestant reformed religion established by law.*" Shortly after the accession of William and Mary, it was deemed necessary to add further fortifications to the established religion by statute in Ireland. The test and corporation acts passed in England in the reign of Charles II. and in the 30th year of the same king's reign; the act passed enjoining the taking the oath of supremacy, and repeating and subscribing the declaration, by all members of both houses of parliament, previous to their sitting or voting in either house: by the coronation oath, as settled by the 1st of William and Mary, the king swears, that he will *to the utmost of his power maintain the protestant reformed religion established by law*; the obligation of this oath extends to *Ireland*, so that he is bound to the utmost of his power to maintain it in Ireland, as well as in England, as then established in England by law; and all the barriers for its support erected in England previous to the 1st of William and Mary. The English parliament in the 3d and 4th of William and Mary passed an act enjoining all members of both houses of parliament in Ireland to take the oath of supremacy, and repeat and subscribe the declaration, the parliament of England at that time exercising the power of binding Ireland by its acts; not for the purpose of making any addition to, or alteration in the protestant religion established by law in that kingdom, but to give that establishment an additional security. How then does it follow from the premises laid down by the author of the pamphlet, that his present majesty or any future king of Great Britain and Ireland, having taken the aforesaid coronation oath of the 1st of William and Mary, can, consistently with that oath, consent to the repeal of the aforesaid English statute of the 30th of Charles II. or the abovementioned
statute

statute of the 3d and 4th of William and Mary? His present majesty swore to maintain *to the utmost of his power* the church established by law in England and Ireland, as he found it established by law at the time of his accession, and not as it was established by law in the 1st of William and Mary; though in fact it is the very same church which was established by law in England and Ireland at that time, and which has received an additional barrier in Ireland since, by the enactment of the said English statute of the 3d and 4th of William and Mary for that country. I apprehend I have taken up too much time in refuting this absurd argument; and shall only further observe, that it is not creditable to an *annotator on Coke on Littleton* to support the cause of his party by the quibbling of special pleading. It is necessary however to make a few remarks on what the author has adduced as facts to support his argument. He states that the coronation oath was fixed in Ireland by the 1st of William and Mary; true it is, it was fixed as well for England as Ireland, by the English statute of the 1st of William and Mary; but the author has totally omitted to state the additions to the coronation oath introduced by the act of union of England and Scotland, the 5th of Anne. By this act the king is obliged at his coronation to "swear (as is already noticed) to maintain and preserve inviolably the settlement of the church of England, *as specified in that statute*, for the unalterable security of that church, and the doctrine, worship, discipline, and government thereof, as in that statute specified, within the kingdoms of England and Ireland, and the town of Berwick upon Tweed." The statute particularly specifies, that the act of uniformity, *and all other acts for the perpetual preservation of the church of England* (among which are the aforesaid English act of the 30th of Charles II. enacted for Ireland in the 3d and 4th of William and Mary, and the test and corporation acts), shall be unalterable and perpetual. The author was either ignorant of these additions to the coronation oath, or designedly omitted them: if inserted, they would have completely overturned his quibbling argument, that the king is not bound by his coronation oath, to resist the repeal of any law for the support of the established church, which was not a law at the time the coronation oath was fixed; for the aforesaid additions were made to the coronation oath by the 5th of Anne, many years subsequent to the 3d and 4th of William and Mary, and also subsequent to the 1st and 2d of Anne; by which acts, he states, that Romanists

manists were deprived of their rights to seats and votes in the houses of lords and commons in Ireland. He admits also, that the coronation oath refers to that system of law which was in force when the acts which prescribed it were passed; that is, that the king cannot conscientiously consent to the repeal of any of the acts for the perpetual security of the established church which had passed previously to the fixing of the coronation oath: that oath was ultimately fixed by the 5th of Anne; and therefore of the author's own shewing, the king cannot conscientiously consent to the repeal of the 3d and 4th of William and Mary, or to that of the 1st and 2d of Anne, so far as they enjoin the taking of the oath of supremacy and the repetition and subscription of the declaration by all members previous to their sitting and voting in either of the houses.

The author states, that at the accession of William and Mary, Roman catholic peers had their seats, and voted in the house of lords; Roman catholic commoners were *eligible* to the house of commons; and all civil and military offices were open to Roman catholics. In respect to Roman catholic peers, I am not sufficiently conversant in the journals of the Irish house of lords to ascertain, whether *Romish* peers were, or were not, excluded from seats or votes in that house, unless they took the oath of supremacy, previous to the 3d and 4th of William and Mary; they certainly were not so excluded by any Irish statute: but very few such Irish peers could have sat in parliament in Ireland, from the restoration to the 3d and 4th of William and Mary (excepting in the *Romish* mob assembled in Dublin by King James II. after his abdication, and by him and themselves styled a parliament); for the *Romish* peerage in Ireland was not numerous previous to the year 1641; and almost the whole of them were attainted as traitors, having joined in that wicked *Romish* rebellion, and massacre of the Irish protestants, which broke out and commenced in the year 1641, and the remainder for their rebellion in 1689, 1690, and 1691. The author displays much artifice in his assertion respecting *Romish* commoners: he states that previous to the accession of William and Mary, and till the 3d and 4th years of their reign, they were *eligible* to seats in parliament: they certainly were so, and are so still, and may occupy these seats, and vote in the house of commons, provided they will take the oaths prescribed to be taken, not by them particularly, but by all his majesty's subjects sitting and voting in the house

house of commons : but the idea the author means to convey to his readers is, that Romanists, antecedent to the 1st of William and Mary, were capable of occupying seats in the Irish house of commons, and did sit therein, without taking any oaths whatsoever, particularly the oath of supremacy. This is a gross mistatement. By a resolution of the Irish house of commons in the year 1642, all the members were obliged to take the oath of supremacy, or to vacate their seats. By another resolution of the Irish house of commons in the year 1661, all the members were obliged to take the oath of supremacy and the oath of allegiance of the 3d of James I. and receive the sacrament according to the usage of the church established, or to vacate their seats. The commons in the first parliament assembled in Ireland after the accession of William and Mary, in the 3d and 4th year of their reign, immediately on their meeting, and before they proceeded to any business whatsoever, took the oaths of supremacy, allegiance, and repeated and subscribed the declaration, deeming the resolutions of the commons before mentioned, and the English act of the 30th of Charles II. imperative upon them : so that the idea that any member could sit in the Irish house of commons at all times previous to the accession of William and Mary, or to the third and fourth years of their reign, without taking the oath of supremacy ; or that Irish Romanists were, for the first time, abridged of that alleged right, by the English act of the 3d and 4th of William and Mary, is erroneous ; they were, long before that period, abridged of it by the resolutions of the house of commons, warranted by the law of parliament, part of the law of the land, under which that house has claimed and exercised the power of judging of the qualifications of its own members.

The author's assertion, that all civil and military offices in Ireland were open to Roman catholics, previous to the accession of William and Mary, smells of the same artifice with his former assertion respecting the *eligibility* of Romanists to be members of the house of commons : it is true that such offices were then open to Romanists (as they now are), if they performed the acts required to be performed by all his majesty's subjects appointed to such offices ; but what he means to insinuate is, that Romanists, till the accession of William and Mary, and till the third and fourth years of their reign, might enjoy all such offices in Ireland, without taking the oaths, &c. : this assertion, in such sense, is as groundless

groundless as any other in the pamphlet; for no person in Ireland could enjoy any such offices, without taking the oath of supremacy, as enjoined to be taken by the Irish act of the 2d of Elizabeth; by the universal rejection of which oath Romanists disable themselves to hold or enjoy such offices. The cautious, artificial manner in which the pamphlet attempts to convey to the reader, the periods of Romish exclusion from the houses of parliament, induces a belief, that the author, at the time of writing the pamphlet, was not ignorant of the resolutions of the Irish house of commons just mentioned, nor of the Irish act of the 2d of Elizabeth; and if he was not, what opinion must the public entertain of his candour!

The author cannot resort to the unlawful and riotous assembly convoked at Dublin, in the year 1689, by King James II. after his abdication, and by him honoured with the title of a parliament, in proof of his assertions; it consisted almost entirely of Romanists, unlawfully elected, after he had destroyed all the protestant corporations, and driven out of the country, or into the protestant armies, almost the whole of the protestant nobility and gentry; and after he had himself ceased to be a king, and had therefore no power to convoke a parliament. By act of parliament in the reign of William and Mary, this mock parliament was declared to be an unlawful assembly, and all its acts and proceedings were condemned to the flames, and were publicly burned and destroyed accordingly.

I trust I have demonstrated to the house, that the doctrines, political, moral, and religious, contained in the petition, and stated to be the principles inculcated by the Roman catholic religion, are diametrically opposite to the principles taught and inculcated by the canons, decrees of general councils, by all writers, lay and cleric, of the greatest authority amongst the Romanists, and adopted by the universal practice of their church from the date of the council of Lateran to the present day; and that their modern writers, such as Dr. Troy and Mr. Plowden, assert, "that the religious principles of Roman catholics being *unchangeable*, they are applicable to all times; and that if any one says, or pretends to insinuate, that the modern Roman catholics differ in one iota from their ancestors, he either deceives himself or wishes to deceive others, and that *semper eadem* is emphatically descriptive of their religion."

It has been urged in this debate, that the establishment by the British government of the Roman catholic religion in

Canada, furnishes a reason for establishing it in the remainder of the British empire, because it has not been productive of any bad effects there. It is rather premature to form any decided opinion of what effects may hereafter flow from such establishment; but even supposing that the effects of such establishment may hereafter be found to be prejudicial to the British government there, yet the establishment of it in Canada was a matter of necessity and not of choice; for Canada surrendered to the British arms upon express stipulated conditions; one of which was that the Roman catholic religion, which was professed by that country before the conquest by the British arms, should be for ever preserved inviolate; and Britain, ever faithful to her treaties, was thus obliged to establish the Roman catholic religion in that province. As to the fidelity of the Canadians during the American war, it may be accounted for also by necessity on their side: their communication with Europe is by the river St. Lawrence, which is open to navigation for six months in the year only; for the other six months it is blockaded by ice. Britain, in case of rebellion of the Canadians, could cut off all communication with Europe by a few ships stationed in the river St. Lawrence; and the Canadians cannot at present subsist without European commodities, and with these they could not be furnished from the United States without great difficulty and intolerable expence, besides infinite risk and hazard.

The hon. member who has introduced this motion, has argued in favour of the motion from the great number of Romanists in Ireland; and, to strengthen his argument, he has represented them, in the course of his speech, sometimes to amount to four millions, sometimes to three millions; but in the whole course of his reasoning he has never mentioned the Irish protestants, but has endeavoured to impress on the members of this house unacquainted with Ireland, that all the inhabitants, with a few exceptions, are Romanists. To expose the errors of the hon. gentleman in this particular, it is necessary to state, that a calculation of the number of the inhabitants of Ireland was made in the year 1692, after the revolution war, and that they then amounted to one million two hundred thousand only. Another calculation was made in the year 1731, as Dr. Burke, Romish titular bishop of Ossory, has informed us, in his *Hibernia Dominicana*; and he states, that there were then found to be in Ireland seven hundred thousand four hundred and fifty-three protestants, and one million three hundred and nine thousand seven hundred and sixty-eight Romanists;

Romanists; so that in 1731 the Romanists of Ireland did not exceed the protestants in the proportion of two to one. Dr. Burke published his book in 1762, and he makes bitter complaints, that the proportion of the inhabitants of Ireland had increased greatly on the protestant side in the interval between 1731 and 1762: it may from hence be fairly deduced, that the Romanists of Ireland are not, at this day, in the proportion of two to one to the protestants of Ireland. From the best calculations lately made, it appears that the whole inhabitants of Ireland do not now exceed three millions; and it may be fairly deduced, that one million two hundred thousand of these are protestants, the persons so much condemned by the hon. mover, that, when speaking of the inhabitants of Ireland, he does not even condescend to mention them; and if all the inhabitants of the British islands amount to sixteen millions, then the Romanists do not exceed one eighth part of that population. It is notorious, that the Romish inhabitants of Ireland do not possess one fortieth part of the real and personal property of that country, nor one thousandth part of the property of the united kingdom: in fact, they compose the mob and the beggary of Ireland, and are not of consequence enough, either in numbers, wealth, or power, to demand (as this petition does) the subversion of the constitution in church and state, and the destruction of the protestants of Ireland, for their gratification.

There is an argument advanced in the petition for the grant of the representative franchise to Romanists, from the elective franchise being conceded to them in Ireland. I trust that I have already shewn to this house, that the grant of the representative franchise to Romanists would be attended by the subversion of the constitution in church and state; and that therefore their enjoyment of the elective franchise is so far from being an argument for conceding to them the representative franchise, that their demand of the representative franchise, grounded upon their enjoyment of the elective franchise, is a strong and powerful argument for depriving them of the elective franchise: because, by their mode of argument, the enjoyment of the elective franchise entitles them to a privilege which would be subversive of the constitution in church and state.

It is much safer for a Romish government, even a popular one, to admit protestants into places of trust and power, than for a protestant government to admit Romanists; because protestants hold no doctrine as a point of faith hostile to the

independence of the state of which they are subjects ; but Romanists do.

The plea, that the measure is necessary to reconcile a considerable share of our population to the government, is absurd ; for people who maintain, as a point of faith, that the state is subject to a foreign jurisdiction, and is not independent, can never be reconciled to the state till they renounce so anarchical and degrading a tenet ; they must be always enemies to it ; and giving them political power, is furnishing them with the means of overturning the constitution.

The mob, and the indigent part of the population of a state (as the Romanists of Ireland), ought not to be gratified at the expense of the ruin of the loyal, opulent, and respectable part of the state. If the contrary conduct shall be pursued, agrarian laws and the system of equality must be adopted in every state ; because the indigent in every state compose the bulk of the population, and are desirous of degrading and plundering the great and rich in every state, as well as in Ireland.

To sum up all the arguments against this measure, the laws enjoining the taking the oath of supremacy are not restrictive nor exclusive laws, in respect to any class of people in the community except to traitors, because it is merely an oath of allegiance to the state. No subject, refusing it, should be admitted to the functions of a legislator, or to any place of trust and power in the state. To use the words of a great minister of state, in the debate in 1790, on the attempt to repeal the test and corporation acts, "Persons professing modes of belief which endanger the welfare of the society of which they are members, should be excluded from possessing the authority of the state ; and here such line of exclusion should be drawn."* The Romanists in the British empire (but particularly in Ireland) enjoy a complete toleration and liberty of conscience. To use the words of the same great minister again on the same occasion, "Toleration consists in a free exercise of religion according to the tenets of the professors of that religion, and in the enjoyment of the protection of the laws ; not in a communication of an equality of political power."† And in combating the arguments made use of on that occasion, he used the following expressions : "Even papists, acknowledging the supremacy of a foreign ecclesiastical prince, must, by such arguments, be admitted to offices of power and trust." Indeed every

* Historical Register, 1790, p. 14, Mr. Pitt's Speech.

† Parliamentary Debates, vol. xxvii. p. 209.

argument he made use of on that occasion, can be used with signal strength and effect against the present measure.

The present measure, if adopted, would directly lead to the subversion of the constitution in church and state, and let in an universal deluge of atheism, infidelity, democracy, and anarchy. The repeal of the laws enjoining the taking the oath of supremacy, would be a constructive admission of the justice of the claim of the supremacy of the pope.

The adoption of this measure would be a violation of the conditions of the two unions of England and Scotland, and of Great Britain and Ireland, and a notorious breach of the public faith.

The adoption of the measure would tend to a violation of the coronation oath; it cannot therefore be supposed that his majesty will ever agree to it: the tendering a bill to him for the royal assent, to carry this measure into effect, would be an insult to him.

For all these reasons I shall give my hearty negative to the motion.

Mr. Grattan rose, he said, to avoid the example of the member who had just sat down, and instead of calumniating either party, to defend *both*.

The past troubles of Ireland, the rebellion of 1641, and the wars which followed, (said the hon. gentleman), I do not wholly forget; but I only remember them to deprecate the example, and renounce the animosity. The penal code which went before, and followed those times, I remember also, but only enough to know that the cause and reasons for that code have totally expired; and as on one side the protestant should relinquish his animosity on account of the rebellion, so the catholics should relinquish their animosity on account of the laws. The question is not stated by the member: it is not whether you will keep in a state of disqualification a few Irish catholics, but whether you will keep in a state of languor and neutrality a fifth of your empire. Before you impose such a sentence on yourself, you will require better arguments than those which the member has advanced. He has substantially told you that the Irish catholic church, which is more independant than the catholic church here, is the worst in Europe; that the Irish catholics, our own kindred, conforming to our own terms, are the worst of papists; that the distinction, a distinction made by the law, propounded by ourselves, and essential to the state, between temporal and spiritual power, is a vain discrimination,

tion, and that the Irish people, to be good catholics, must be bad subjects; and finally he has emphatically said, "that an Irish catholic never is, never was or will be, a faithful subject to a British protestant king—they hate all protestants and all Englishmen." Thus has he pronounced against his country three curses: eternal war with one another, eternal war with England, and eternal peace with France; so strongly does he inculcate this, that if a catholic printer were in the time of invasion to publish his speech, that printer might be indicted for treason as the publisher of a composition administering to the catholics a stimulative to rise, and advancing the authority of their religion for rebellion. His speech consists of four parts, 1st, invective uttered against the religion of the catholics; 2dly, invective uttered against the present generation; 3dly, invective against the past, and 4thly, invective against the future: here the limits of creation interposed, and stopped the member. It is to defend those different generations and their religions, I rise; to rescue the catholics from his attack, and the protestants from his defence.

The civil interference of the pope, his assumed power of deposition, together with the supposed doctrine that no faith was to be kept with heretics, were the great objections to the claims of the catholics; to convict them the learned doctor has gone forth with a sinister zeal to collect his rueful materials; and behold! he returns laden with much comment, much doubtful text, much of executive decrees, and of such things as are become obsolete, because useless, and are little attended to, because very dull and very uninteresting, and wherein the learned gentleman may for that reason take many little liberties in the way of misquotation, or the way of suppression. All these, the fruits of his unprofitable industry, he lays before you: very kindly and liberally he does it; but of this huge and tremendous collection you must reject a principal part, as having nothing to say to the question, namely, all that matter which belongs to the court of Rome, as distinct from the church; 2dly, of the remnant after that objection you must remove every thing that belongs to the church of Rome which is not doctrinal, and which is not confined to doctrine, regarding faith and moral, exclusive of, and unmixed with, any temporal matter whatever. After this correction you will have reduced this gentleman of the 15th century to two miserable canons, the only rewards of his labour, and result of his toil, both centuries

centuries before the reformation, and therefore not bearing on the protestants or the reformers. The first is a canon excommunicating persons who do not abide by a profession of faith contained in a preceding canon, which notably concludes with the following observation, that virgins and married women may make themselves agreeable to God. Now I cannot think such a canon can excite any grave impression or alarm in this house; passed 600 years ago, 300 years before the birth of the reformation, made by lay princes as well as ecclesiastics, and never acknowledged or noticed in these islands, even in times of their popery. The other canon, that of Constance, goes to deny the force of a free passport or safe-conduct to heretics, given by temporal princes in bar of the proceedings of the church. Without going farther into that canon, it is sufficient to say that it is positively affirmed by the catholics, that this does not go farther than to assert the power of the church to inquire into heresy, notwithstanding any impediments from lay princes; and, farther, there is an authority for that interpretation, and in contradiction to the member's interpretation, not merely above his authority, but any that it is in his studies to produce; I mean that of Grotius, who mentions that the imputation cast on the catholics on account of that canon is unfounded. Here I stop, and submit that the member is in the state of a plaintiff, who cannot make out his case, notwithstanding his two canons; that he has failed most egregiously, and has no right to throw the other party on their defence: however, the catholics have gone, as far as relates to him, gratuitously into their case, and have not availed themselves of the imbecility of their opponents; and they have been enabled to produce on the subject of the above charges, the opinion of six universities, to whom those charges, in the shape of queries, have been submitted: Paris, Louvaine, Salamanca, Douay, Valladolid, Alcalá. The universities have all answered, and have in their answers not only disclaimed the imputed doctrines, but disclaimed them with abhorrence. The catholics have not stopped here: they have drawn up a declaration of nine articles, renouncing the imputed doctrines, together with other doctrines or views objected to them. They have gone further, they have desired the protestants to name their own terms of abjuration; the protestants have done so, and here is the instrument of their compact; it is an oath framed by a protestant parliament, principally manufactured by the honourable member himself,

self, in which the Irish catholics not only abjure the imputed doctrine, but are sworn to the state, and to the present establishment of the protestant church in Ireland, and to the present state of protestant property. This oath has been universally taken, and by this oath both parties are concluded, the catholics from resorting to the abjured doctrines, and the protestants from resorting to the abjured charge. Therefore, when the member imputes, as he has done, to the catholic the principles hereby abjured, it is not the catholic who breaks faith with him, but it is he who breaks faith with the catholic. He acts in violation of the instrument he himself formed, and is put down by his own authority. But the catholics have not only thus obtained a special acquittal from the charges made against them in this debate, they have obtained a general acquittal also.

The most powerful of their opponents, the late Earl of Clare, writes as follows: "They who adhere to the church of Rome are good catholics, they who adhere to the court of Rome are traitors;" and he quotes Lord Somers as his authority, in which he entirely acquiesces, and acknowledges their innocence in their adherence to the church of Rome as distinct from the court.

A test, such as I have already mentioned, is formed, abjuring the doctrine of the court of Rome, and reducing their religion to the church of Rome. This test, together with a number of other articles, is reduced to an oath, and this oath is introduced into an act of parliament, and this oath is taken universally. Here again are the opponents to the catholics concluded by their own concessions. By tendering an oath to catholics, they allow oath to be a test of sincerity; by framing that oath under the circumstances, they make it a test of pure catholicism; and, by their own arguments, they pronounce pure catholicism to be innoxious. But the hon. member has gone a little further than pronouncing the innocence of the catholics, he has pronounced the mischievous consequences of the laws that proscribe them; he has said in so many words that an Irish catholic never is, and never will be, faithful to a British protestant king; he does not say every catholic, for then he would include the English catholics and those of Canada; nor does he say every Irishman must hate the king, for then he would include every protestant in Ireland. The cause of the hatred is not then in the religion nor in the soil—it must be then in the laws, in something which the protestant does not experience

ence in Ireland, nor the catholics in any country but in Ireland; that is to say, in the penal code. That code then, according to him, has made the catholics enemies to the king: thus has he acquitted the catholics, and convicted the laws. This is not extraordinary, it is the natural progress of a blind and a great polemic. Such characters begin with a fatal candour, and then precipitate to a fatal extravagance, and are at once undermined by their candour, and exposed by their extravagance: so with the member, he hurries on he knows not where, utters he cares not what, and is equally negligent of the grounds of his assertions, and their necessary inferences. Thus when he thinks he is establishing his errors, unconsciously and unintentionally he promulgates truth; or rather, in the very tempest of his speech, Providence seems to govern his lips, so that they shall prove false to his purposes, and bear witness to his refutations. Interpret the gentleman literally, what blasphemies has he uttered? He has said that the catholic religion, abstracted as it is at present in Ireland from popery, and reduced as it is to mere catholicism, is so inconsistent with the duties of morality and allegiance, as to be a very great evil. Now, that religion is the christianity of two thirds of all Christendom; it follows then, according to the learned doctor, that the christian religion is in general a curse. He has added, that his own countrymen are not only depraved by religion, but rendered perverse by nativity; that is to say, according to him, blasted by their Creator, and damned by their Redeemer. In order, therefore, to restore the member to the character of a christian, we must renounce him as an advocate, and acknowledge that he has acquitted the catholics which he meant to condemn, and convicted the laws which he meant to defend.

But though the truth may be eviscerated from the whole of the member's statement, it is not to be discerned in the particular parts; and therefore it is not sufficient to refute his arguments, 'tis necessary to controvert his facts. The catholics of Ireland, he says, hate the protestants, hate the English, and hate the king. I must protest against the truth of this position; the laws, virulent as they were, and mitigated as for the last seventeen years they have been, the people better than the laws, never could have produced that mischief; against such a position I appeal to the conscious persuasion of every Irishman. We will put it to an issue; the present chief governor of Ireland is both an Englishman

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and the representative of English government; I will ask the hon. gentleman whether the Irish hate him? If I could believe this position, what could I think of the protestant ascendancy, and what must I think of the British connection and government, who have been for six hundred years in possession of the country with no other effect, according to this logic, than to make its inhabitants abhor you and your generation? But this position contains something more than a departure from fact; it says, "Strike, France; strike, Spain; the great body of the Irish are with you:" it does much more, it attempts to give them a provocation; it teaches you to hate them, and them to think so; and thus falsehood takes its chance of generating into a fatal and treasonable truth. The hon. gentleman having misrepresented the present generation, mistates the conduct of their ancestors, and sets forth the past rebellions as proceeding entirely from religion. I will follow him to those rebellions, and shew, beyond his power of contradiction, that religion was not, and that proscription was, the leading cause of those rebellions. The rebellion of 1641, or let me be controverted by any historian of authority, did not proceed from religion; it did proceed from the extermination of the inhabitants of eight counties in Ulster, and from the foreign and bigoted education of the catholic clergy, and not from religion. The rebellion of the pale (for it was totally distinct in period or cause from the other) did not proceed from religion; loss of the graces; they resembled your petition of right, except that they embraced articles for the security of property; disarmament of the catholics, expulsion of them in that disarmed state from Dublin; many other causes,—order for the execution of certain priests. You will not forget there was an order to banish their priests in James the First's time, and to shut up their chapels in Charles the First's. These were the causes. There was another cause: you were in rebellion, Scotland was in rebellion! There was another cause, the Irish government was in rebellion; they had taken their part with the republicans, and wished to draw into treason the Irish freeholders, that with the forfeiture of another's rebellion they might supply their own. I go back with concern to those times: I see much blood, no glory; but I have the consolation to find that the causes are not lodged in the religion or the soil, and that all of them but the proscriptive cause have vanished. I follow the member to another rebellion, the which should properly be called a civil

civil war, not a rebellion; it proceeded from a combination of causes which exist no longer, and one of those causes was the abdicating king at the head of the catholics, and another cause was the violent proscription carried on against the catholics by the opposite and then prevailing party. These causes are now no more; or will the member say there is now an abdicating prince, or now a popish plot, or now a pretender? There are causes, most certainly, sufficient to alarm you, but very different, and such as can only be combated by a conviction that, as destinies are now disposed of, it is not the power of the catholics which can destroy, or the exclusion of the catholics that can save you. The conclusion I draw from the history above alluded to, is very different from that drawn by the member, and far more healing; conclusions to shew the evils arising from foreign connections on one side, and from domestic proscription on the other. If all the blood shed on these occasions; if the many fights in the first, and the signal battles in the second period, and the consequences of those battles to the defeated and the triumphant, to the slave that fled, and the slave that followed, shall teach our country the wisdom of conciliation, I congratulate her on those deluges of blood: if not, I submit, and lament her fate, and deplore her understanding, which would render not only the blessings of Providence, but its visitations fruitless, and transmit what was the curse of our fathers as the inheritance of our children.

The learned gentleman proceeds to mistake a period of 100 years, namely, the century that followed the revolution, and this he makes a period of open or concealed rebellions. The sources of his darkness and misinformation are to be found in history and revelation. Of his charges against that period he brings no proof; none of those on the same side with him can bring any. They heard from such a one, who heard from such a one: I neither believe them nor such a one, and I desire so many generations may not be convicted on evidence that would not be admitted against the vilest caitiff; and that against evidence by which that vilest caitiff would be acquitted, against the authority of four acts of parliament; the act of 1778, which declares their loyalty for a long series of years, that of 1782, that of 1792, and that of 1793; and farther against the declared sense of government, who, in the year 1762, proposed to raise four catholic regiments, because the catholics had proved their allegiance; and against the authority of the then Irish primate, who sup-

ported that measure, and in his speech on that subject, assigns as his reason, that, after his perusal of Mr. Murray's papers, nothing appeared against the Irish catholics of any connection whatsoever with the rebellion of that period. The member proceeds to the rebellion of 1798, and this he charges to the catholics; and against his charge I appeal to the committee of the Irish house of commons in 1797, in which it sets forth the rebel muster, containing 99,000 northerns enrolled in rebellion, and all the northern counties organised. At the time in which the committee of the house of commons states the rebellion of the north, the dispatches of government acknowledged the allegiance of the south. To those dispatches I appeal, written at the time of Hoche's projected invasion, and applauding the attachment and loyalty of the southern counties, and their exertions to assist the army on its march to Cork to oppose the landing of the French. If you ask how the rebellion spread, and involved the catholics, I will answer and tell you, that as long as the proscriptive system continues, there will be in our country a staminal weakness, rendering the distempers to which society is obnoxious, not only dangerous, but deadly. Every epidemic disease will bring the chronic distemper into action. It is the grapestone in the hand of death, which strikes with the force of a thunderbolt. If you have any apprehension on this account, the error is to be found in yourselves; in human policy, not in religion; in the fallibility of man, not of God. If you wish to strip rebellion of its hopes, France of her expectations, reform that policy; you will gain a victory over the enemy when you gain a conquest over yourselves. But I will for a moment accede to the member's statement against facts and history: what is his inference? during one hundred years of the proscriptive system, this state has been in imminent danger: therefore, adds he, continue the system; here is the regimen under which you have declined—persevere. But the member proceeds to observe, that you cannot hope to reconcile whom you cannot hope to satisfy; and he instances the repeal of the penal code. I deny the instances: the repeal in 1778 and 1782 did reconcile and did satisfy; and accordingly you will find that the Irish catholics in 1779, 1780, 1781, and 1782, were active and unanimous to repel the invasion threatened at that time, when the French rode in the Channel, and Ireland was left to the care of 6000 regulars, and was only defended from invasion by the spirit and loyalty of the catholics, in harmony and in arms

arms with their protestant brethren. The repeal of a principal part of the penal code, in 1793, did not reconcile, and did not satisfy; it was because the Irish government of that time was an enemy to the repeal and to the catholics, and prevented the good effects of that measure. That government, in the summer of 1792, had sent instructions (I know the fact to be so) to the grand juries, to enter into resolutions against the claims of the catholics. Their leading minister opposed himself at one of the county meetings, and took a memorable post of hostility and publicity. When the petition of the catholics was recommended in the king's speech in 1793, the Irish minister answered the king, and with unmeasured severity attacked the petitioners. When the bill introduced in consequence of his majesty's recommendation was in progress, the same minister, with as unmeasured severity, attacked the bill, and repeated his severity against the catholics. When the same bill of reconciliation, in consequence of the recommendation and reference of the petition, was on its passage, the Irish government attempted to hang the leading men among the petitioners, and accordingly Mr. Bird and Mr. Hamil were by these orders indicted for a capital offence, I think it was defenderism; and so little ground was there for the charge that those men were triumphantly acquitted, and the witnesses of the crown so flagrantly perjured; that the judge, I have heard, recommended a prosecution. These were the causes why the repeal of 1793 did not satisfy; and in addition to these, because the Irish government took care that the catholics should receive no benefit; therefore opposing these with their known partisans and dependents in the corporation of Dublin, when they sought for the freedom of the city, seldom giving any office (there are very few instances in which they got any) in consequence of the act of parliament, and always attacking their characters from a court press; so that the aversion of the Irish government stood in the place of disqualification by law, and the hostility of the Irish minister succeeded to the hostility of statute. The catholics, some of them I know, thought so, and there are gentlemen now in parliament to whom they communicated their sentiments, that they would prefer their situation before the repeal of 1793, to the situation which followed; inasmuch as they experienced in the then Irish government a more deadly and more active enemy than before they had experienced in the law. I refer to the speeches delivered and published at the time by the ministers and servants of the Irish government, and persisted in

in and delivered since. There you will see an attack on all the proceedings of the Irish from the time of their address for free trade, such as were glorious as well as those that were intemperate; without discrimination or moderation: there you will see the Irish ministry engaged in a wretched squabble with the catholic committee, and that catholic committee replying on that ministry, and degrading it more than it had degraded itself; and you will further perceive the members of that ministry urging their charges against the members of that committee, to disqualify other catholics who were not of the committee, but opposed it: so that by their measures against the one part of the catholics, and their invective against the other, they take care to alienate, as far as in them lay, the whole body. The fact is, the project of conciliation in 1793, recommended in the speech from the throne, was defeated by the Irish cabinet, which was at that time on that subject in opposition, and being incensed at the British cabinet for the countenance afforded to the catholics, punished the latter, and sowed those seeds which afterwards, in conjunction with other causes, produced the rebellion.—I leave the member, and proceed to discuss the differences now remaining that discriminate his majesty's subjects of the protestant and catholic persuasion. Before we consider how far we differ, it is necessary to examine how far we agree. We acknowledge the same God, the same Redeemer, the same consequences of redemption, the same Bible, and the same Testament. Agreeing in this, we cannot, as far as respects religion, quarrel about the remainder, because their merits as christians must in our opinion outweigh their demerits as catholics, and reduce our religious distinctions to a difference about the eucharist, the mass, and the Virgin Mary, matters which may form a difference of opinion, but not a division of interests.

The infidel under these circumstances would consider us as the same religionists, just as the French would consider you, and cut you down, as the same community. See whether we are not agreed a little farther, and united by statute, as well as religion. The preambles of three acts declare the catholics to be loyal subjects; the act of 1778 declares that they have been so for a series of years; the same act declares that they should be admitted into the blessings of the constitution; the act of 1793 goes farther, and admits them into a participation of those blessings. Thus is the principle of identification established by the law of the land, and thus are the catholics by that law proclaimed to be innocent, and the calumniators of the
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the catholics guilty. Let us consider their situation under these laws, professedly and in principle admitted to every thing except seats in parliament, and certain offices of state; they are, in fact, excluded from every thing under the circumstances of paying for every thing; the few places they enjoy make no exception; they pay their proportion to the navy, and contribute one third to its numbers, and have not a commission: they contribute to the expences of the army, and to one third of its numbers, and have not a commission: and shall I now be asked how are the catholics affected by this, or be told that the catholic body would not be served by the removal of this? How would the protestant body be affected, if only removed from the state, the parliament, the navy, and the army? In addition to this I am to add the many minor injuries done to the catholics in ways that must be felt, and cannot be calculated; the inestimable injury done to the catholic mind by precluding it from the objects of ambition, and to the catholic spirit by exposing it to the taunts and insults, (you cannot be at a loss for an instance,) such as are uttered by the vilest of the protestants against the first of the catholics. I am to add the mischief done to the morals of the country by setting up a false standard of merit, by which men without religion, moral or public integrity, shall obtain, by an abhorrence of their fellow subjects, credit and consequence, and acquire an impunity for selling the whole community, because they detest a part of it. You see it is impossible for any one part of the society to afflict the other without paying the penalty, and feeling the consequences of its own policy in the reaction of its own bad passions on itself. I am to add the mischief done to the peace of the country, when the spirit of religious discord descends to the lower order of people, and the holiday becomes a riot: and when the petty magistrate turns chapman and dealer in politics, turns theologian and robber, makes for himself a situation in the country formed out of the monstrous lies he tells of his catholic neighbours, fabricates false panics of insurrection and invasion, then walks forth the man of blood, his creditors tremble, the French don't; and atrocities, which he dare not commit in his own name, perpetrates for the honour of his king, and in the name of his maker. I have heard of the incivilization of Ireland: too much has been said on that subject. I deny the fact; a country exporting above five millions, even at your official value, near about half a million of corn, three millions of linen, paying eight mil-
lions

lions to the state, cannot be barbarous; a nation connected with you for six hundred years, what do you say? cannot be barbarous. If France should say so, you should contradict her, because it is not on Ireland, but on you, the reflection must fall. But if any thing, however, delays the perfect and extensive civilization of Ireland, it is principally her religious animosity. Examine all the causes of human misery, the tragic machinery of the globe, and the instruments of civil rage and domestic murder, and you find no demon is like it, because it privileges all the rest, and amalgamates with infidelity as well as murder, and conscience, which restrains other vices, becomes a prompter here. To restrain this waste, and this conquest exercised over your understanding, your morals, and your fortune, my hon. friend makes his motion. The present lord lieutenant of Ireland has done much to reconcile, but his mild integrity and good sense must be aided by parliament. Come, let us hear the objectors. The catholics, they say, should not have political power. Why, they have it already: they got it when you gave them landed property, and they got it when you gave them the elective franchise: "Be it enacted, that the catholics shall be capable of holding all offices, civil and military, except," (and then the act excludes a certain numeration). This is the act of 1793, and is not this political power allowed by act of parliament? so that the objection goes not so much against the petition, as against the law, and the law is the answer to it. The reasons they give for objecting to the law are, first, that the catholics do not acknowledge the king to be the head of their church. To require a person of the catholic faith to acknowledge a person of another religion, who makes no very encouraging declarations towards them, to be the head of the catholic church, is going very far; but to make the withholding such acknowledgment the test of disaffection is much farther; farther than reason, and farther than the law, which does not require such test, but is satisfied with a negative oath: and therefore, the presbyterian, who makes no such acknowledgment, may sit in parliament. So that here the objector is answered again by the law, and the reason he gives in opposition to the law shows, that the legislature is wiser than he is; the reason alleged is, that he who allows his majesty to be the head of his church, has more allegiance, because he acknowledges the king in more capacities. According to this, the Turk has more allegiance than either, for he acknowledges the grand seignior in all capacities; and the Englishman

man has less allegiance than any other subject in Europe, because, whereas other European subjects acknowledge their king in a legislative, as well as an executive capacity, the English acknowledge their king in the latter capacity only. But such men know not how to estimate allegiance, which is not measured by the powers which you allow, but by the privileges which you keep; thus your allegiance is of an higher order, because it is rendered for the proud circumstances belonging to an Englishmen; to the peer who has his rank, the commoner who has his privileges, and the peasant who has magna charta: the catholic too, he has an interest in his allegiance; increase that interest, that is, increase this privilege, you increase the force of the obligation, and with it your own security. But here, again, the objector interposes, and alleges that the catholic does not only not acknowledge the king to be the head of their church, but acknowledges a foreign power. Whom? I cannot find him; there was, indeed, a power which you set up in the last war, and guarded with your troops. Is that the memory at which gentlemen tremble? a sort of president or chair, in whose name the business of the catholic church is conducted; for whom no catholic would fight, and against whom the Irish catholic would fight, if he came into their country at the head of an invading army—they have said so. You will recollect how little you yourselves feared that name, when you encompassed and preserved it at the very time of the Irish rebellion; and now do gentlemen set it up, and bring it back again into the world as a principle to influence the action of the Irish? But then I have received an answer to this; and that Bonaparte has gotten possession of the power and person of the pope. What power? He had no power before his captivity, and therefore he became a captive; he has not found his power in his captivity. Or will you say that he could now disband an Austrian army, or an Irish army; or that, if he were to issue out his excommunications, your seamen or soldiers would desert? Such the power of the pope—such your fear of it, and such is the force of their argument: what is the policy of it? Bonaparte has gotten the pope; give him the catholics. But here the objector interposes again, and tells us it is in vain to look for harmony with the catholics, inasmuch as they deliver the protestants to damnation. Gravely they say this, soberly they say this in a morning; and, according to this, you must not only repeal your laws of toleration, but you must disband part of your army and your navy, and disqualify your electors.

The catholic who hears this, produces a protestant creed which does the same thing, and damns his sect likewise. The infidel who listens agrees with both, and triumphs; and suggests that it were better not to cast off your people, but to shake off your religion. So Volney makes all sects contend and all conquer, and religion the common victim. The truth is, exclusive salvation was the common frenzy of all sects, and is the religion of none; and is now not only rejected by all, but laughed at: so burning one another, as well as damning one another. You can produce instances—they can produce instances: it was the habit of the early christians to anathematise all sects but their own. No religion can stand, if men, without regard to their God, and with regard only to controversy, shall rake out of the rubbish of antiquity, the obsolete and quaint follies of the sectarians, and affront the majesty of the Almighty with the impudent catalogue of their devices; and it is a strong argument against the proscriptive system, that it helps to continue this shocking contest—theologian against theologian—polemic against polemic, until the two madmen defame their common parent, and expose their common religion. With arguments such as those, it is urged that the laws were in error which gave the catholic political power; and it is further added, that he will use that political power to destroy the church. I don't think they have now said he will destroy the present state of property; bigotry has retired from that part, and has found out at last that the catholics cannot repeal the act of settlement in Ireland, by which the property of the country was ascertained, until they become the parliament; nor become the parliament till they get the landed property of the country; and that when they get that property, that they will not pass an act to set aside their titles. Further, it is now understood, that the protestant title is by *time*; that there are few old catholic proprietors—a multitude of new ones; that the catholic tenantry hold under protestant titles, and therefore that there is, in support of the present state of property in Ireland, not only the strength of the protestant interest, but the physical force of the catholics; therefore the objectors have judiciously retired from that ground, and now object to catholic power as certain to destroy the protestant church—how? They must do it by act of legislation, or by act of force: by act of legislation they cannot, and by force they will not. They won't by act of force, because the measures proposed, which don't go to increase that force, do go decisively to remove the animosity,

mony. Or will you say, when you give them every temporal motive to allegiance, they will become rebels? that when indeed they had rights of religion, rights of property, rights of election, they were loyal; but when you gratified their ambition likewise, then they became disaffected, and ready to sacrifice all their temporal rights and political gratifications—in order to do what? To get a larger income for their clergy; that is, that their bishops should drink more claret, wear finer clothes, and with whose assistance should they do this? With the aid of the French, who starve their clergy. The ordinary principles of action, the human motives that direct other men, according to these reasoners, are not to be found in the catholic. Nature is in him reversed: he is not influenced by the love of family, of property, of privileges, of power, or any human passions, according to his antagonists, no more than his antagonists are influenced by human reason, and therefore it is these reasoners deal mostly in the prophetic strain; with a prophet's fury and his blindness—with much zeal, and no religion. I would ask then, what authority have they for thus introducing the church as an obstacle to the advantages of the state? Is it political, or is it moral, to deprive the catholic of the franchises of the constitution, because they contribute to the church, lest, on obtaining those franchises, they should pass laws withholding that contribution? as if you had any right to make that supposition, or any right to insist on that perilous monopoly, which should exclude them at once from church and state, that they might pay for both without compensation. The great preachers of our capital have not said so. Mr. Duan, that meek spirit of the gospel—he has not said so. Mr. Douglas, in his strain of piety, morals, and eloquence—he has not said so. Nor the great luminary himself—he who has wrung from his own breast, as it were, near 60,000*l.* by preaching for public charities, and has stopped the mouth of hunger with its own bread—he has not said so. I ask not what politicians may instil and may whisper; but what have the labouring clergy—men preached and practised?

But the revolution, it seems, is an eternal bar: they find the principles of slavery in the revolution, as they have found those of darkness in the revelation. If they mean to measure the privileges of the empire by the model existing at the revolution, they must impose on Ireland eternal proscription; for at that time she was deprived of the rights of

trade and constitution, and the catholics of all rights whatsoever; and they must impose on the empire two opposite principles of action, the free system for England, and the proscriptive principle for the rest. They are then to make Ireland fight for British liberty and Irish exclusion. Their argument is therefore not only a wicked wish, but a vain one. Nor is this the practice of other countries; those countries do not require the religion of the public officer to be the religion of the state; their practice has been notoriously otherwise: they who said the contrary labour under a glaring error. Nor will you be able to encounter France and the other nations of Europe, if they should avail themselves of the talents of all their people, and you will oppose them by only a part of yours, and while you deprive yourself of the full strength of those talents, expose yourself to their animosity. It follows then, whether you look to the principles of liberty or empire, that you cannot make the proscriptive system existing at the revolution the measure of the other parts of your empire; you must then make the principles of the revolution that measure. What are those principles?

Civil and religious liberty. They existed at that time in full force for you, they existed as seminal principles for us, they were extended to the protestant part of Ireland a century after, they remain now to be extended to the catholics. Then will your revolution be completed, not overthrown; then will you extend the principles of your empire on those of your constitution, and have secured an uniformity of action by creating an identity of interest; thus will you have simplified the imperial and constitutional motions to the one and the same principle of action, moving you in your home and in your imperial orbit, informing the body of your laws, and vivifying the mass of your empire.

The petition of the county of Oxford states the catholics have been ever enemies to freedom, just as the controversialists have said the catholics must be enemies to the king. The revolution, from whose benefits you are to exclude the catholics, was founded on a model formed and moulded by catholics, the declaration of right being almost entirely declaratory of rights and privileges secured by your catholic ancestors. One of your great merits at the revolution was not to have exceeded that model; but on the contrary you restrained popular victory, and restored establishments, and with them kindled a modest spirit, which has outlasted

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the French conflagration, a vital heat, which then cheered you, which now should cheer the catholic, and giving light and life to both, I hope will be eternal.

The great objects, church, state, and property, I adopt with the controversialist, and beg to rescue them from his wisdom, and to give them for their support the physical force of the catholic body, inasmuch as our danger does not arise from the possible abuse of his constitutional power, but from the possible abuse of his physical thoughts to obtain that constitutional power. In all this debate you will observe we argue as if we had but one enemy, the catholic, and we forget the French: and here what I said to the Irish parliament, on the catholic question, I will repeat to you. I said to them, "The post you take is unfavourable, the independency of the British parliament, exclusion of the Irish catholics, a post to be kept against the power of one country, and the freedom of the other." I now say to you, The post you would take is unfavourable, a position that would keep France in check and Ireland in thralldom, to be held against the power of one country and the freedom of the other. There are three systems for Ireland: one such as primate Boulton has disclosed, a system to set the people at variance on account of religion, that the government might be strong and the country weak; a system such a one as prevailed when I broke her chain, which made the minister too strong for the constitution and the country, too weak for the enemy; a system which one of its advocates has described, when he said the protestants of Ireland were a garrison in an enemy's country, and which another gentleman has described when he considered Ireland as a *caput mortuum*. This system has failed; it ought to have failed; it was a party government and a party god.

There is another, extermination, that will not do—the extermination of three millions of men would be no easy task in execution, no very charitable measure in conception. The justices of 1641 had dreamed of it, Cromwell had attempted, Harrington had talked of it. I hold the extermination of the people, and even of their hierarchy, to be such an experiment as will not be proposed by any gentleman who is perfectly in his senses. Extermination, then, will not do; what is left? The partial adoption of the catholics has failed, the eradication of the catholics cannot be attempted, the absolute incorporation remains alone; there is no other; or did you think it necessary to unite with the
Irish

Irish parliament, and do hesitate to identify with the people? See whether you can conduct your empire on any other principle. The better to illustrate this, and in order to ascertain the principles of your empire, survey its comprehension, computing your West Indies, and your eastern dominions. England has now, with all deference to her moderation, a very great proportion of the globe. On what principle will she govern that proportion? On the principles on which Providence governs that and the remainder. When you make your dominions commensurate with a great portion of her works, you should make your laws analogous to her dispensations. As there is no such thing as enclusive Providence, so neither, considering the extent of your empire, should there be such a thing as an exclusive empire, but such an one as accommodates to peculiar habits, religious prejudices, prepossessions, &c. &c. You do not, in your dispatches to your generals, send the thirty-nine articles: you know the bigot and conqueror are incompatible; Lewis XIV. found it so. You know that no nation is long indulged in the exercise of the two qualities—bigotry to proscribe at home, ambition to disturb abroad. Such was your opinion when you established popery in Canada; I do not speak of Corsica—such your opinion when you recruited for the foot in Ireland. It was in the American war this practice began: then you found that the principle of exclusive empire would not answer, and that her test was not who should say her prayers, but who should fight her battles. On the same principle the Irish militia, which must be in a great proportion catholic, stands; and on the same principle the Irish yeomanry, who must be in a considerable proportion catholic, stands; and on the same principle you have recruited for the navy in Ireland, and have committed your sea thunder to catholic hands. Suppose in Egypt the general had ordered the catholics to go out of the ranks; or if, in one of your sea-fights, the admiral had ordered all the catholics on shore, what had been the consequence? It is an argument against the proscriptive system, that if adopted practically, in navy or army, the navy and army and empire would evaporate. And shall we now proclaim these men, or hold such language as the member, language which, if he held on the day of battle, he must be shot; language for which, if a catholic, he must be hanged; such as you despised in the case of Corsica and of Canada, in the choice of your allies, in the recruiting your army and your navy, whenever your convenience,

nience, whenever your ambition, whenever your interest required. Or let us turn from the magnitude of your empire to the magnitude of its danger, and you will observe, that whereas Europe was heretofore divided in many small nations of various religions making part of their civil policy, and with alliances influenced in some degree and directed by those religious distinctions, where civil and religious freedom were supposed to be drawn up on one side, and on the other popery and arbitrary power, so now the globe has been divided anew. England and France, you have taken a first situation among mankind; you are of course excluded from a second: Austria may have a second situation, Prussia may have a second, but England seems to have linked her being to her glory, and when she ceases to be of the first she is nothing. According to this supposition, and it is a supposition which I do not frame, but find in the country, the day may not be very remote when you will have to fight for being, and for what you value more than being, the ancient renown of your island. You have said it yourselves, and you have added, that Ireland is your vulnerable part: why vulnerable? Vulnerable because you have misgoverned her. It may then happen that on Irish ground, and by an Irish hand, the destinies of this ancient monarchy called Great Britain may be decided. Accordingly, you have voted your army, but you have forgot to vote your people; you must vote their passions likewise. Their horrors at the French proceedings will do much, but it is miserable to rely on the crimes of your enemies always, on your own wisdom never. Besides, those horrors did not prevent Prussia from leaving your alliance, nor Austria from making peace, nor the united Irishmen from making war. Loyalty will do much, but you require more—patience under taxes, such as are increased far beyond what we have been accustomed to, from one million and a half to 8,000,000; nor patience only, but ardour—the strong qualities, not such as the scolding dialect of certain gentlemen would excite—the fire, a spirit that in the case of an invasion will not sit as a spy on the doubt of the day and calculate, but, though the first battle should be unsuccessful, would come out with a desperate fidelity, and embody with the destinies of England. It is a wretched thing to ask how would they act in such a case? What, after a connection of six hundred years, to thank your admiral for your safety, or the wind, or any thing but your own wisdom! and therefore the question is not whether the
catholics

catholics shall get so many seats, but whether you shall get so many millions; in such a case you live all people. What is it that constitutes the strength and health of England but this sort of vitality, that her privileges, like her money, circulate every where, and center no where? This it was which equality would have given, but did not give, France; this it was which the plain sense of your ancestors, without equality, did give the English; a something which limited her kings, drove her enemies, and made a handful of men fill the world with their name.

Will you, in your union with Ireland, withhold the regimen which has made you strong, and continue the regimen which has made her feeble? You will further recollect, that you have invited her to your patrimony, and hitherto you have given her taxes and additional debt, I believe it is of 26,000,000. The other part of your patrimony, I should be glad to see that. Talk plainly and honestly to the Irish—'Tis true your taxes are increased, and your debts multiplied, but here are our privileges, great burthens and great privileges: this is the patrimony of England, and with this does the assents, recruit, inspire, consolidate. But the protestant ascendancy, it is said, alone can keep the country, namely, the gentry, clergy, and nobility, against the French, and without the people. It may be so. But, in 1641, above ten thousand troops were sent from England to assist that party; in 1789, twenty-three regiments were raised in England to assist them; in 1798 the English militia were sent over to assist them. What can be done by spirit will be done by them; but would the city of London, on such assurance, risk a guinea? The parliament of Ireland did risk every thing, and are now nothing; and in their extinction left this instruction, not to their posterity, for they have none, but to you, who come in the place of their posterity, not to depend on a sect of religion, nor trust the final issue of your fortunes to any thing less than the whole of your people.

The parliament of Ireland—of that assembly I have a parental recollection. I sat by her cradle, I followed her hearse. In fourteen years she acquired for Ireland what you did not acquire for England in a century—freedom of trade, independency of the legislature, independency of the judges, restoration of the final judicature, repeal of a perpetual mutiny bill, habeas corpus act, nullum tempus act. A great work! you will exceed it, and I shall rejoice. I call my countrymen

countrymen to witness if, in that business, I compromised the claims of my country, or temporised with the power of England. But there was one thing which baffled the effort of the patriot, and defeated the wisdom of the senate; it was the folly of the theologian. When the parliament of Ireland rejected the catholic petition, and assented to the calumnies then uttered against the catholic body, on that day she voted the union. If you should adopt a similar conduct, on that day you will vote the separation. Many good and pious reasons you may give, many good and pious reasons she gave, and she lies there with her many good and her pious reasons. That the parliament of Ireland should have entertained prejudices, I am not astonished; but that you—that you who have as individuals and as conquerors visited a great part of the globe, and have seen men in all their modifications, and Providence in all her ways—that you, now, at this time of day, should throw dykes against the pope and barriers against the catholic, instead of uniting with that catholic to throw up barriers against the French—this surprises; and, in addition to this, that you should have set up the pope in Italy to tremble at him in Ireland; and further, that you should have professed to have placed yourself at the head of a christian not a protestant league, to defend the civil and religious liberty of Europe, and should deprive of their civil liberty one fifth of yourselves, on account of their religion—this surprises me; and also, that you should prefer to buy allies by subsidies rather than fellow subjects by privileges; and that you should now stand, drawn out as it were in battalion, 16,000,000 against 36,000,000, and should at the same time paralyze a fifth of your own numbers, by excluding them from some of the principal benefits of your constitution, at the very time you say all your numbers are inadequate, unless inspired by those very privileges. As I recommended to you to give the privileges, so I should recommend the catholics to wait cheerfully and dutifully. The temper with which they bear the privation of power and privilege is evidence of their qualification. They will recollect the strength of their case, which sets them above impatience; they will recollect the growth of their case, from the time it was first agitated to the present moment, and in that growth perceive the perishable nature of the objections, and the immortal quality of the principle they contend for; they will further recollect what they have gotten already, rights of religion, rights of

property, and, above all, the elective franchise, which is in itself the seminal principle of every thing else. With a vessel so laden they will be too wise to leave the harbour, and trust the fallacy of any wind. Nothing can prevent the ultimate success of the catholics but intemperance; for this they will be too wise. The charges uttered against them they will answer by their allegiance. So should I speak to the catholics. To the protestant I would say—You have gotten the land and powers of the country, and it now remains to make those acquisitions eternal. Do not you see, according to the present state and temper of England and France, that your country must ultimately be the seat of war; do not you see that your children must stand in the front of the battle, with uncertainty and treachery in the rear of it? If then, by ten or twelve seats in parliament, given to catholics, you could prevent such a day, would not the compromise be every thing? What is your wretched monopoly, the shadow of your present, the memory of your past power, compared to the safety of your families, the security of your estates, and the solid peace and repose of your island? Besides, you have an account to settle with the empire. Might not the empire accost you thus? “For one hundred years you have been in possession of the country, and very loyally have you taken to yourselves the power and profit thereof. I am now to receive at your hands the fruits of all this, and the unanimous support of the people; where is it, now when I am beset with enemies, and in my day of trial?” Let the protestant ascendancy answer that question, for I cannot. Above twenty millions have been wasted on your shocking contest, and a great proportion of troops of the line locked up in your island, that you may enjoy the ascendancy of the country and the empire, not receive the strength of it. Such a system cannot last; your destinies must be changed and exalted. The catholic no longer your inferior, nor you inferior to every one, save only the catholic; both must be free, and both must fight—the enemy, and not one another. Thus the tests of religion, renouncing, the one all foreign connection, and the other all domestic proscription, shall form a strong country; and thus the two islands, renouncing all national prejudices, shall form a strong empire, a phalanx in the west, to check, perhaps ultimately to confound, the ambition of the enemy. I know the ground on which I stand, and the truths which I utter; and I appeal to the objections you urge against me, which I constitute my judges,

judges, to the spirit of your own religion, and to the genius of your own revolution ; and I consent to have the principle which I maintain tried by any test ; and equally sound, I contend, it will be found, whether you apply it to constitution where it is freedom, or to empire where it is strength, or to religion where it is light.

Turn to the opposite principle, proscription and discord. It has made in Ireland not only war but even peace calamitous : witness the one that followed the victories of King William, to the catholics a sad servitude, to the protestants a drunken triumph, and to both a peace without trade and without constitution. You have seen, in 1798, rebellion break out again, the enemy masking her expeditions in consequence of the state of Ireland, twenty millions lost, one farthing of which did not tell, in empire and blood, barbarously, boyishly, and most ingloriously expended ! These things are in your recollection. One of the causes of these things, whether efficient or instrumental, as aggravating the proscriptive system, I mean you may now remove. It is a great work. Or has ambition not enlarged your mind, or only enlarged the sphere of its action ? What the best men in Ireland wished to do, but could not do, the patriot courtier and the patriot oppositionist, you may accomplish : what Mr. Gardiner, Mr. Langrishe, men who had no views of popularity or interest, or any but the public good ; what Mr. Daly, Mr. Burgh, men whom I shall not pronounce to be dead if their genius live in this measure ; what Mr. Forbes, every man that loved Ireland ; what Lord Puy, the wisest man Ireland ever produced ; what Mr. Hutchinson, an able, accomplished, and enlightened servant of the crown ; what Lord Charlemont, superior to his early prejudices, bending under years, and experience, and public affection ; what that dying nobleman, what our Burke, what the most profound divines, Doctor Newcome, for instance, our late primate, his mitre stood in the front of that measure ; what these men supported, and against whom ? Against men who had no opinion at that time on the subject, except that which the minister ordered, or men whose opinions were so extravagant, that even bigotry must blush for them ; and yet those men had not before them considerations which should make you wise—that the pope has evaporated, and that France has covered the best part of Europe. That terrible fight is now before you : it is a gulph that has swallowed up a great portion of your treasure ;

sure; it yawns for your being. Were it not wise, therefore, to come to a good understanding with the Irish now? It will be miserable, if any thing untoward should happen hereafter, to say, We did not foresee this danger; against other dangers, against the pope we were impregnable. But if, instead of guarding against dangers which are not, we should provide against dangers which are, the remedy is in your hands,—the franchises of the constitution. Your ancestors were nursed in that cradle; the ancestors of the petitioners were less fortunate; the posterity of both, born to new and strange dangers; let them agree to renounce jealousies and proscriptions, in order to oppose what, without that agreement, will overpower both. Half Europe is in battalion against us, and we are damning one another on account of mysteries, when we should form against the enemy, and march.

Here the honourable member said he was exhausted, and begged leave to conclude.

● The *Attorney General* professed himself as anxious to concur in any measure, which had for its object the consolidation of the strength and interest of the country, as either of the two hon. gentlemen who had supported the motion; but the proposition of the hon. member who opened the debate, did not appear to him in any way calculated to meet that end. The hon. gentleman had stated the abstract question of right with his usual precision, but certainly not so strong as he might have done, nor could he agree with him in the inferences he endeavoured to deduce from it. The hon. mover of the question argued, that no danger was to be apprehended at present in admitting catholics to the representative privilege; possibly not. Great numbers may not come in at first, but parliament was to look prospectively to the effect of the measure, and the probable line of conduct that would be pursued by them, when they should obtain a share in the representation. He did not suppose that they would endeavour to recal, and replace upon the throne, a branch of a family which had been formerly excluded. He did not suppose that they would endeavour to take away all the tithes from the protestant clergy, for the purpose of giving them to their own; but if a proposition were made to take away part of the tithes from the protestant clergy, for the purpose of conferring them on the catholic clergy, he was not sure that many worthy men may not be found in that house to entertain it, and, in the event of a division, he was sure the catholic representation would be as a dead weight in the scale. He should not take up the time

time of the house in considering all the objections to which, in that particular respect, the motion was liable; he would content himself with proving, that it was repugnant to a solemn stipulation between Ireland and Great Britain, and in doing that, he would furnish, he had reason to suppose, sufficient matter for rejecting it. The stipulation to which he alluded was that contained in the fifth article of the act of union, which expressly mentions, that the protestant church is to be the established church of the state. It was said, that the measure would put an end to all disaffection, and yet, in the very same breath, gentlemen asserted that none existed. He would agree with them in the praises which they had bestowed upon the loyalty of the catholics, and admit that the rebellion in Ireland was not a rebellion of catholics, and that no greater number of that persuasion were to be found in it, than might be expected in a country whose population was in a great proportion catholic. The conciliation of Ireland was the ostensible reason for bringing forward the measure; but if that were really the question, gentlemen would do well to consider the effect of it, not only upon the catholics, but upon the protestants also. They should consider what would be the alienating operation of the repeal of the fifth article of the union, upon the protestant population of Ireland. He feared the effect of it would be, to destroy that tranquillity which the hon. mover of the question seemed so anxious to maintain. Even that morality, and conscientious regard to their oaths, which was said to be so strongly inculcated by the tenets of their religion, should convince gentlemen, that, in a regular orderly way, they would omit no opportunities of procuring for their religion all possible advantages. It was true, that the petitioners abjured any intention to subvert the protestant religion, for the purpose of introducing their own; but did they profess for the whole catholic body? did they profess for the clergy as well as the laity, or did they only profess for themselves? He had looked at the petition, and he could not find the hand of a single clergyman of the catholic persuasion affixed to it; and the reason assigned, as he understood, was, that it was a petition for civil rights, in which they could not participate. The catholic clergy had not abjured the expectation of being restored to all the dignities which were possessed by them previous to the reformation; and if they had, he would not have thought so well of them as he did. Had they not their bishops, their deans, and all the gradations which were to be found in the established church? and knowing this, who could say that they had

had relinquished all hopes of enjoying the emoluments appertaining to those dignities? One of their tenets was, which any member who went into a bookseller's shop might convince himself of, that they were bound to pay tithes only to their lawful pastors. Nay, some persons had carried the principle much farther. A Mr. M'Kenna, a very able man he would acknowledge, had proposed, in a treatise of much learning and ingenuity, that thirty or forty acres should be purchased in every parish in Ireland, and a house should be built on it for the catholic clergyman. Was not that a plain indication of the extent of their hopes and prospects? No man could entertain a doubt that it was their inclination to propagate their religion by every means in their power. That was a principle inseparable from the character of every religion. Were he in a catholic country, professing the religion he did, he should feel an inclination to advance that religion, and so it was natural to expect the catholics would do, whenever they had an opportunity. He was not so sanguine as the hon. mover, in his expectations of the advantages that were to result from the measure proposed. He did not think it would produce conciliation in Ireland, or give that satisfaction to the catholic body that was asserted. On the contrary, the effect of it, in his opinion, would be, to bring the two sects nearer to each other, and consequently to increase that spirit of rivalry and jealousy which unfortunately subsisted between them. He claimed the indulgence of the house for a few moments longer. He saw there was no great disposition to listen to him; and after the manner in which the attention of the house had been gratified by the eloquent and able member who addressed it for the first time, he was aware that any thing which fell from him must appear flat and uninteresting. He thought that no alternative could exist between keeping the establishment they had, and putting a Roman catholic establishment in its place. If gentlemen would make up their minds to that, they might conciliate Ireland, but not otherwise; or perhaps they might enter into a treaty with Bonaparte to allow the pope to grant them another concordat. That appeared to him to be the only true way of stating the question. The immunities which had been already granted to the catholics, he thought, were sufficient; and there was one of them, he meant the elective franchise, which, had he been a member of that legislature, he should have felt an inclination to oppose at the time it was brought forward. What privilege was there which they did not enjoy, with the exception of sitting in parliament,

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and the capacity of being appointed to a few great offices, in as full and complete a manner as those who professed the established religion? They had nothing to desire on the score of toleration; that they and every other dissenter from the established church enjoyed as fully as they could wish. Anxious as he was to conciliate so important a member of the empire, he could not bring himself to approve of the measure proposed by the hon. mover. If the demands of the petitioners were conceded to their numbers and their majority, no possibility would remain of refusing to comply with any future demands they may think proper to make. What their numbers and majority shall have once obtained, would only tend to stimulate them to fresh demands, until nothing remained for them to require, and they became not merely a prevailing party in the state, but exclusively the state itself. For those reasons he would vote against the motion for referring the petition to a committee.

Mr. Alexander apologized for obtruding himself upon the house, but he felt the present question too interesting to be awed by any considerations from declaring his sentiments. When the attorney general felt embarrassed, under the impression created by the two eloquent speeches of the hon. members (*Mr. Fox and Mr. Grattan*) who had preceded, *Mr. Alexander* could not deny he had his feelings also: but he should little do his duty, to his conscience, the crown, and his country, if he gave way to them. His national pride was certainly gratified by the attention paid to the talents of *Mr. Grattan*: but he (*Mr. Alexander*) could never forget, that he had witnessed those talents employed successfully in beating down the laws and constitution of his country: (*an interruption*) He did not accuse the hon. gentleman of design, but he had amplified so much the strength of the physical numbers of what he called the Irish people, had asserted and painted their imaginary grievances in such high colouring, that there grew in the minds of an influenced and infatuated peasantry a conviction, that they had just motives for rebellion, and strength to accomplish their object. What admitted of no doubt was, that he (*Mr. Alexander*) could not forget that the hon. member's conduct and sentiments had prevented his taking share in putting down that rebellion, had prevented him from manifesting active loyalty, or exposing himself with other gentlemen to common exertions, common inconveniencies, and common dangers. With such recollections, he felt it a duty to withstand all impressions made upon his mind by the talents
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and reputation of the hon. member, and to recal the attention of the house to the arguments of the gentleman who had opened the debate. Mr. Fox had stated truly from Archdeacon Paley, that tests were introduced when religious sentiments and religious interests were so universally connected and diffused through certain classes in the community, as to be a proof of a determined purpose of action, that public necessity justified a general law of exclusion, sacrificing the pretension of the few, who might feel differently from the mass of their own sect, to public tranquillity and security. Mr. Fox had admitted that the Roman catholics were in general so strongly attached to the house of Stuart, as to have justified the legislature in enforcing the oath of supremacy and other tests, to the exclusion of Roman catholics from political power. Mr. Fox had debated much upon that subject, and had justified our ancestors for their precaution; he (Mr. Alexander) asked no other grounds of reason than those Mr. Fox relied upon, to justify parliament in the rejection of the present catholic claims. If attachment to the house of Stuart justified suspicion and restrictions from power, much more strongly did the general aversion of the lower order of catholics, and of their priests, to Britain and British connexion, justify all our precaution. Mr. Alexander asserted, that with the middling and lower orders of Roman catholics, and the generality of their clergy under every change of governors or government, proposed or attempted, separation from England has been the object invariably aimed at. Every passion, religious and temporal, all their traditions, all their prejudices, united to excite such feelings, and to render this sentiment predominant in their minds. This house was deceived most fatally if it suffered itself to be persuaded that they have changed these sentiments. The best historians agreed, that the Irish catholics of King James's day used him but as an instrument of separation; they rendered him desperate with England, to ensure success to their design—a separation—by forcing him to confiscate all the protestant and British property in Ireland. Mr. Fox (observed Mr. Alexander) had disclaimed, with great levity, all knowledge of councils, and of the former opinions of the catholics, and had entered into abstract discussions of rights, and first principles, for his purposes (in Mr. Alexander's opinion) with great judgment; because an application of men's minds to the situation of the day, and to existing circumstances, would prove fatal to his arguments and to his object. Mr. Alexander considered, that
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without a knowledge of the catholic doctrines, and of the influence of those doctrines, the question could not be fairly understood, and that wilful or assumed ignorance of their opinions was unjustifiable in a gentleman agitating such a question. He repeated his opinion of the influence of the Roman catholic clergy, and stated it in Ireland to be now most formidably great; that in that country an hierarchy existed unconnected with the crown, but immediately dependent upon the pope; that there existed in Ireland at this day a most numerous body of Roman catholic clergy devoted to the doctrinal opinions of the church of Rome, and maintaining the spiritual and ecclesiastical jurisdiction of that court. He observed that *papistry* was, in many points of view, more formidable in the present state of Ireland from the objects it attached upon, and the persons it influenced; and produced a more uncontrollable power over their people than even before the reformation. He assigned as reasons, that the objects of the first reformers were twofold: the remedying the avarice, voluptuousness, and power of the clergy; the abolition of their separate courts of jurisdiction, and all those privileges, exemptions, and distinctions, they claimed or proposed, and which enabled the clergy to cope with princes, and to oppress and insult the people. Princes and people had feelings in common, that led them rapidly to concur in those points with the reformers; and countries the most catholic and the most devoted to the see of Rome, limited and curtailed its power and possessions, and wrested from it the supremacy in temporal matters. But matters of doctrine being blended with matters of faith, and being admitted to be above the comprehension of the lower and middling classes of the people, not being equally apparent upon the qualities of the mind, and the ostensible conduct of those who governed or were governed by them, were not an object of jealousy to princes, or of painful and degrading contrast to the people; the catholic clergy, unequal, therefore, to combat the feelings excited by their luxury and power, seldom attempted to punish, or indeed to bring into question, offences against their temporal interests, but accused their antagonists of offences against the *fundamental articles of faith*, and with consent of prince and people, inflicted punishments to any extent to which their passions and vengeance led them. Mr. Alexander then asserted, that the Roman catholic church now in Ireland, had all those sources of doctrinal influence over the faith of a bigoted people; that their clergy frequently (as he

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admitted) in the transactions between man and man, exercised them for good purposes : but they also had the power of giving a direction to the popular mind, with an effect which was inconsistent with the general safety : and in corroboration of his opinion, he appealed to their conduct in the late and in former rebellions. In Ireland the British government seemed, hitherto, to feel no apparent interest in opposing the power and encroachments of the Roman catholic clergy ; the people were left totally in their hands ; and from that inattention, their great, and, in this debate, much-boasted influence had arisen ; the Roman catholic clergy are now interwoven with the people in all their common transactions of life ; true it was, they could not punish criminals, but criminals bear no proportion to the number in any state. But Mr. Alexander called upon gentlemen to consider, what is the effect of *excommunication* among the lower orders of Irish papists : it excludes a man from his family, and renders him hateful to it ; drives him from his little tenement, nay, precludes him from earning his livelihood, if dependent upon his labour ; a power possibly greater than any possessed by the state, from its general diffusion, unsuspected influence, and extensive consequences : add to these considerations, the recollection of confiscated property, the long series of injuries alleged to have been committed by the English against the Irish, the remembrance of which had been constantly kept alive by tradition, and by recent exaggerated statements ; and the well-known historical fact, that claims to property cannot fail for want of hereditary succession, as, by the *Brehon* law, it exists not in individuals, but in the name and *sept*, and the house would see the reasons and motives for that dislike to British connexion, which has ever, and still influences the lower, and more numerous part of the catholics of Ireland. A peasantry directed by a clergy, generally ignorant in every point but their school-divinity, all influenced by common motives of action, irreconcilable to British connexion at present ; under such circumstances, though we cannot anticipate what growing wealth and more diffused intercourse may hereafter effect, we must still be on our guard. For these reasons Mr. Alexander considered a knowledge of the doctrines of the see of Rome, and their actual influence upon the Irish clergy and the Irish catholics, was a most serious subject of consideration upon this occasion. As long as these prejudices and habits continued to influence their people, Mr. Alexander was convinced no good effect could result from concessions. He was equally convinced that
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the better informed, the nobility and gentry, feel too many advantages resulting from their present situation, not to act with the utmost loyalty, and many, he admitted, had already distinguished themselves by their conduct. But it would be reasoning like novelists, and not like statesmen, to make the great fundamental principles of a constitution like that of this mighty empire bend so far, as to sacrifice its bulwarks in exchange for the strength expected to be derived from the gratification of the feelings of a few individuals. Mr. Alexander reprobated those new doctrines which teach a man to forget all he owes to the laws, the constitution, and the king; all that he owes to his family, his property, and his honour, if checked or controlled in the pursuit of objects which he may be taught to over-value; and he lamented such loyalty was represented as only to be retained and secured by the sacrifice of our constitution! The numbers of the Irish catholics, added Mr. Alexander, have been stated with a double object, to describe them as a source of strength, if conciliated, and of terror, if not gratified in their demands. If, said the hon. gentleman, the higher classes of the catholics have influence, and have not hitherto exerted it, they can have no claims upon the confidence or gratitude of the legislature; but if (as he believed the case to be) they possess no power when opposed to the passions of the inferior people, and the interested exertions of their clergy, he considered the yielding to their claims a sacrifice of the constitution for a most inconsiderable consideration. On more general grounds he argued, that the introduction into parliament and the cabinet of a certain number of the catholics, heading and acting as the organ of the catholic people, might be productive of the most fatal consequences: divisions might arise among the protestants, and a misguided monarch might attempt to obtain powers incompatible with the safety of our church and state, by the aid and support of that catholic party or interest. Such views were imputed to Charles the First; such conduct was certainly adopted by James the Second, and of that misguided effort we only escaped the fatal consequences, by placing the present royal family on the throne. The concessions now sought might also prove fatal to the catholics themselves, and tempt them (as it has hitherto done) into struggles for ascendancy, which might prove fatal to the privileges they now enjoy. Their advocates boast much of their wealth, fairly and honourably acquired under our mild and equal laws; honours have been conferred by the crown, or restored to their most distinguished

guished families; the absence of jealousy, and the consciousness of our superior constitutional strength, justified our monarch in conferring these favours, and the protestant people in rejoicing at their attainment. But great states are distinguished by the wisdom of their precautionary measures; the wisdom of British policy has led its councils to protect the crown from temptation, and to guard the conduct of the monarch against the effects of his passions and his wishes, by withholding the instruments by which our constitution in church and state might be assailed and subverted. Should a British monarch entertain such views, the manufacturing and preparing instruments would alarm the jealousy, and enable the wealth and independence of the empire to rise in defence of its civil and religious liberties. As far as the feelings of the crown itself may be concerned, we must consider how cruel it would be to render the exclusion of such a description of subjects from his councils and the higher offices of state a matter of personal objection, and consequently of personal odium against the monarch himself. The catholics surely expect that the capability which they now wish to obtain should be productive of its effects. At present no individual can feel, in his exclusion from power, a personal degradation; he must attribute it to existing laws, and to the existing constitution. Give them capability, and then do not confer upon a great proportion that share in the cabinet and the councils of the crown, which they fancy their boasted numbers and wealth entitle them to, and will you conciliate a single individual? Will not discontent be more formidable than it is at present? On the other hand, what would be the sentiments and the sensations of the people of this empire, were they to see a protestant monarch, whose tenure to his throne depends upon his fidelity to his religion, surrounded by catholic counsellors? Could any circumstances reconcile them to such a choice in the monarch himself? And should the strength of parties (as it is sometimes supposed to have done) force such minister and such counsellors upon the throne, how miserable, how degraded must be the situation of our monarch, and how precarious the state of our religion, and of our civil liberties! Such appeared to Mr. Alexander to be the inevitable evils of concession to the present claims, and if we are to be reduced to a choice of evils, and must consider catholic numbers (as the hon. members have held out) a source of intimidation, their ancestors had held Ireland in times infinitely
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more unfavourable, and against numbers infinitely more disproportioned; and Mr. Alexander entertained no doubt that we should do so again. Let England but understand her true interest; let her justly appreciate the spirit, zeal, and loyalty of the protestants of Ireland; let her be convinced *they* feel their properties, their honours, and their lives dependent upon British connexion: but if England unfortunately forgets what was due to as brave and as zealous allies as any nation ever possessed, her protestant subjects of Ireland, she would have the most fatal reasons to lament her acquiescence in their and her own destruction. Let England be firm in her adherence to her laws and constitution. No catholic can be oppressed by the laws in Ireland; his property and his person are protected by the same code and juries that protect the protestant. If, notwithstanding these advantages, any of them should appeal to numbers, and be rashly tempted into rebellion, arms and the law must punish the rebels! With such impressions upon his mind, Mr. Alexander would have felt himself unworthy of being the representative of his protestant countrymen, had he not borne testimony to their zeal and their loyalty; but had shrunk from the weight and talents of the hon. gentleman. He trusted in God, and in the courage of the nation, that we were able to defend our laws, religion, and property; to maintain our faith, and to uphold the throne.

Mr. William Smith proposed that the debate be adjourned. He was perfectly prepared to deliver his sentiments at the moment, if the house were willing to hear him, and other gentlemen who might wish to speak on the important question before them. It would, however, be unbecoming the character of the house, and the importance of the subject, if they came to any hasty decision.

The question of adjournment being loudly called for,

The *Chancellor of the Exchequer* expressed a wish that the discussion could have been terminated at that sitting. As, however, it seemed to be the wish of other gentlemen to deliver their sentiments, he thought it would be better to adjourn than to state them at a more advanced hour.

The debate was accordingly adjourned till the following day.

The other orders of the day were also postponed, and, at about three o'clock in the morning, the house adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 14.

On the motion of Sir John Anderson the house went into a committee on the report of the vintners' petition. The report was ordered to be received next day.

The Irish first fruits bill was read a third time and passed.

Mr. Alexander moved the further consideration of the report of the committee on the Irish land partition bill. The amendments were agreed to, and the bill ordered to be read a third time next day.

Mr. Serjeant Best postponed his motion relative to the eleventh report to Thursday.

Mr. Johnson, from the office of chief secretary of Ireland, presented copies of the proceedings in the Irish parliament relative to the attainder of Cornelius Grogan, esq. Ordered to be printed.

Mr. Alexander brought up the report of the committee on the slate bill, which was agreed to, and the bill ordered to be read a third time next day.

Mr. Huskisson gave notice of a motion for Thursday next, for appointing a committee to inquire into the expediency of allowing coals to be brought to London by the Paddington canal.

Sir William Curtis moved, that the petition of the 3d of March, relative to improvements in the port of London, be referred to a committee. Ordered.

The third reading of the property duty bill, and the committee on the smuggling bill, were postponed to Thursday.

The second reading of the Spanish wine bill was postponed to Monday, and the bill in the mean time ordered to be printed.

Accounts of the different sums presented to be raised by grand juries of the several counties in Ireland, from the 1st of January 1775, to the 1st of January 1805, were ordered to be laid before the house.

Mr. Western obtained leave to bring in a bill for rendering more effectual the protection of parishes against the losses sustained by them from the defalcations of collectors of taxes.

Sir J. Stewart made a motion, which having undergone an amendment by the Chancellor of the Exchequer, was agreed to, and was as follows: "That it be an instruction to the committee

committee to whom the papers relative to the repairs of the *Romney* and *Sensible* had been referred, to examine into the purchase and expenditure of stores for the said ships."

IRISH CATHOLIC PETITION.

The order of the day was read for resuming the debate on the motion for referring the Irish catholic petition to the consideration of a committee of the whole house.

Mr. William Smith—Mr. Speaker, as an opinion may prevail that we now resume this debate in circumstances less favourable to the question than those in which it stood last night, I beg shortly to clear myself from all imputation on that account, by declaring that, for every personal reason, it would have been far more agreeable to me to have proceeded even at that late hour, except, indeed, from the consciousness of a greater disadvantage in proportion as the comparison was more near and immediate between myself and a right hon. gentleman (Mr. Grattan), whose eloquence every one must have admired, and whose presence in this house is at least one advantage conferred by the union on this country. I know not, however, sir, whether the event to which I have alluded ought not rather to stimulate the friends of this measure to greater exertion. I confess I should think it much to be regretted if the unfavourable decision of another assembly should lead the catholics of Ireland to apprehend that a sentiment adverse to their wishes generally prevails. That decision, indeed, diminishes their prospect of immediate success;—but this house is an independent branch of the legislature; we are bound to think and determine for ourselves, and should we resolve to go into the committee, let us hope that, from the investigation which may there take place, arguments may arise, by which the other house of parliament may be led to agree in the result to which we may finally come. Sorry, however, sir, as I shall be if this motion should be negatived, I should be yet more deeply concerned if that determination should be formed on such principles as were last night maintained. Must we reject this petition? at least let it be dismissed with temper and moderation, not in that spirit of harshness, almost of bigotry, which pervaded the declamation of an hon. and learned gentleman, (Dr. Duigenan,) which, with some others on the same side, I hope the chancellor of the exchequer will think it his duty to answer and expose.

The speech delivered in the former part of this debate by
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the three hon. gentlemen adverse to the measure, may, I think, be thus generally characterised:—the first learned gentleman, though entering largely into every part of the subject, dwelt most on the nature of the Roman catholic religion; the second gentleman (Mr. Alexander) chiefly animadverted on the evils to be feared from the influence of their clergy; and the hon. attorney general drew his principal objection from the supposition, that if all were granted which the petitioners now ask, they would not even then be satisfied. To these gentlemen I would reply, in common, that they assume the authorities and facts to be almost exclusively on their side of the question; but that, to their authorities, we claim to oppose many of at least equal weight; and that facts, nakedly taken, divested of all concomitant circumstances, are not only insufficient grounds of argument, but often lead to the most erroneous conclusions: they are like those productions of art, which, to be justly estimated, must be seen in their true point of view, and in proper lights; and many of these supposed facts, if brought into clear day, and shewn, unshadowed by the mists which passion and prejudice have thrown around them, would, I strongly suspect, appear under aspects very different from those in which they are now presented to our view.

—————“Trifles light as air
Are to the jealous confirmations strong
As proofs from holy writ.”——

It was a fact, that Cassio was in possession of Desdemonia's handkerchief; and though the inference which passion drew was false, yet the consequence was fatal. Such a state of things as has existed in Ireland may be seen too near, as well as from too great a distance. Men, whose persons and families have been exposed to all the miseries of civil discord and insurrection, though of the best abilities, and with the best intentions, possessing, too, every advantage of local information, and so far qualified to form the most accurate opinions, can scarcely claim that other indispensable qualification of a judge, impartiality: their having been interested spectators of the scene, perhaps actors in it, incapacitates them in a great degree for determining as correctly as we may not unreasonably hope to do, with fewer opportunities of observation.

But to apply myself more directly to the argument of the first gentleman I have alluded to, I would remark that it puts an eternal veto on the proposition before us. While catholics remain such, they must, according to him, necessarily

rily be kept in this state of suspicion and degradation :—and why ?—because “ the religion is unsafe, and its principles are immutable.” It is unsafe, because it does not permit complete allegiance to a protestant sovereign, and destroys all the validity of those tests by which confidence is secured, and truth ascertained among men. These allegations, however, the catholics deny ; they deny that they hold all the antiquated and absurd notions, which, from the musty records of ages long since past, and councils almost forgotten, the hon. gentleman would fix upon them, for no better reason than the pretension of the Romish church to be not only universal, but immutable.

I know, sir, as well as that gentleman, that she has preferred this claim ; I, too, have histories of councils and collections of decrees ; but I also know that to be unchangeable belongs not to man, nor to his best modelled institutions, far less to those which vainly attempt to contravene the laws of nature. Nothing sublimary is permanent but those impressions stamped by the Creator on the human heart, which teach us to expect gratitude and love as the general consequences of benefits conferred, and discontent as the equally certain result of oppression :

“ If this fail,
The pillar’d firmament is rottenness,
And earth’s base built on stubble :”

but it cannot fail ; nor can those reasonings be just, which assume that theoretical dogmas will, in the mind of man, for ever predominate over just and generous sentiments, over every feeling of integrity and truth. And this, sir, naturally leads me to that point in which the catholics appear to have met with treatment peculiarly uncandid and severe. Objections on the subject of oaths are taken against them, if not contradictory, at least inconsistent. If, from a regard to conscience, they refuse to renounce opinions which appear to them purely religious, they are instantly loaded with the imputation of disloyalty ; from which, on the other hand, no protestations are allowed to relieve them, because they are affirmed to be men whom “ oaths cannot bind.” If this *be* the case, sir, let the legislature be consistent ; if catholics be thus incapable of being bound by moral obligations, if they be unsusceptible of any other restraints but those imposed by violence, let the penal statutes be re-enacted, or at least, let us consider whether it be worth while to keep in forced subjection such an irreclaimable race. But is this character justly ascribed

to them? on the contrary, do they not protest against these imputations, and has not their conduct justified their denial? Have not thousands since the revolution endured heavy restraints and severe penalties, rather than take oaths which their principles forbid? Why, in our own days, have such multitudes of priests relinquished their property and their homes to avoid oaths, which, if it were innocent to have evaded by a dispensation, it must have been even meritorious to have done so, when the interests of their church had probably been essentially served by their remaining at their posts? Do not such facts under our own eyes speak louder than a thousand arguments drawn from theory and hypothesis? But this is not all: our government has shewn that it entertains far different ideas. The majority of the inhabitants of Canada being, like those of Ireland, of the catholic persuasion, it was deemed the most natural and certain way of securing their allegiance, to infringe as little as possible on their laws and manners, and to allow to their religious opinions, not merely unlimited toleration, but a degree of establishment: and what has been the consequence? Has rebellion, or even uneasiness, been ever once heard of among them? No, surely; under every circumstance they have proved affectionately loyal. And the comparison of this case with that of Ireland almost demonstrates that the causes of disaffection should be sought for elsewhere than in the difference of religion; and that catholics will be good subjects to a protestant government if regarded with confidence, and treated with liberality.

Another argument of the same gentleman was, indeed, most wonderful; we were told that catholics cannot safely be admitted to the capacity of sitting in parliament, because, in that case, all the Irish members would instantly be catholic: that finding themselves unable from the comparative paucity of their numbers to carry any point openly, they would directly form a compacted junto, and compel the British minister to comply with all their demands; to give them, first, all the patronage of their own country, by which they would be enabled to turn the whole strength of it to their own nefarious purposes, and obtain, next, the entire subversion of the establishment, civil and ecclesiastical, of the united kingdom! Could a more extravagant idea have been engendered by the most distempered imagination? Not to mention the libel it implies on these supposed Irish members, or rather conspirators, and on the English government; could any mi-
nister

minister be weak enough so to comply, while he had five hundred and fifty-eight protestant members remaining, to whom these schemes of destruction might be revealed? If Irishmen could be found foolish and desperate enough to make such an attempt; can it be imagined that a minister could have been chosen by a protestant king, or tolerated by a protestant parliament, who should hesitate for an instant to discover and punish it? But it is mere waste of words to contend against such a chimera; much of what I have already said affords also a strong presumption against the existence of such a priestly influence over the mass of the people as is likely to produce any considerable mischief. Neither is this the present question; but whether any objection is to be thence deduced against acceding to the motion now before us; which, let it be remembered, is only for a committee to examine how far the requests of the petitioners may prudently be granted. Now, supposing it to be doubtful whether catholics might safely be admitted into the great offices of state, it is perfectly obvious that granting the capacity of enjoying all offices, does not confer the possession of one; their actual admission into office would afterwards entirely depend on the pleasure and discretion of the executive government. But, again, if this be too large a boon, is the evil apprehended from the influence of the clergy so enormous, as to render the admixture of a small proportion of catholic members in the Imperial parliament an experiment too dangerous to be attempted? Why thus terrify ourselves with shadows, and sacrifice justice at the shrine of an irrational fear? But, "grant all the petitioners ask," says the hon. attorney general, "and they will not then be satisfied; why then risque any thing unless you are determined to go the full length of establishing their church and clergy?" Perhaps, sir, to grant even this in some degree, might not be unwise; it certainly would not be inconsistent, since a college has already been endowed for their education: at any rate, I should think that the additional power they would gain by our acceding to their present request, would not afford them the slightest chance of forcing from us what farther we might think it unsafe to grant; while, in the mean time, they would assuredly be better satisfied, more amalgamated into the same mass, more disposed cordially to co-operate in every measure for the common defence, in every thing tending to promote the general welfare. In a word, by such a compliance with their wishes, love and gratitude would be substituted for aversion and fear. By introducing

roducing some Irish catholics into this house, misconceptions would be mutually removed, asperities would be gradually softened down. We should come to know each other better, and might expect to reap, at a much earlier period, the advantages of a substantial union, intimate and complete.

In maintaining this cause, sir, I cannot be supposed to be actuated by any predilection for catholics or catholicism as such : I am a protestant dissenter, and possibly at the very farthest distance from them in religious sentiment, both as to discipline and doctrine—but firmly persuaded that every man has a right to enjoy and profess his respective opinions, without being therefore subjected either to reproach or disabilities, I undoubtedly must sympathize with them. Beyond this, I trust, that I have for them a more liberal feeling, as for persons much misrepresented and unjustly calumniated. My personal acquaintance among their body has not been extensive, but in those I have known, never should I have been able to detect their religion by any immorality in their practice beyond the common frailties of man; and in candour I would desire of their most strenuous adversaries to say, if they have found their catholic acquaintance deficient in the performance of the relative duties, faithless in the daily intercourses of life, men not to be trusted on their words, or even their oaths. Who, sir, will disgrace himself by throwing out such an accusation?

If then, sir, the objections which have been alleged have no more force than I imagine them to possess; if the spectres which have been conjured up to affright us have no real existence; if the petitioners be men of like passions and affections with ourselves; if refusal will embitter, and compliance will soften and attach their minds; and if at the present moment it be of peculiar importance to bind to us by every tie so large a mass of our fellow subjects; let us endeavour to overcome what may remain of prejudice in ourselves or in others, and, by proceeding to the farther consideration of this most important subject with a temperate and prudent liberality, do our utmost to secure to the empire that union of every hand and every heart, on which our quiet, our prosperity, and perhaps our very existence may depend.

Mr. Lee—Sir, I confess I am extremely anxious to deliver my sentiments on the present occasion, as it is one of the greatest and most important questions that ever was agitated within the walls of this house, whether I consider it in respect

spect to the local situation of Ireland, or in a more enlarged and comprehensive view of the subject, as intimately connected with the future tranquillity and prosperity of every part of the united empire. In the vote which I shall this night give, I shall certainly differ from his majesty's ministers, but I act from the strongest conviction operating on my mind, that Ireland never will be great or powerful, never will attain that rank or station which she ought to fill in the political state of Europe, never will have peace or tranquillity at home, and never will be productive of that strength to the empire at large, which the advocates of the legislative union of the two kingdoms seemed to have in their contemplation when they agreed to the measure, except the great body of the Irish catholics are admitted to a participation of those rights, immunities, and privileges, which they were induced to believe would be the natural consequence of that great measure.

Sir, I consider the present question as flowing out of the union of the two countries, and should have been maturely considered before that measure was adopted, although there was no express compact or agreement made with the catholics at that time, that if they would lend their sanction to the measure, and throw their weight into the scale, that their claims should be attended to, or that they should be admitted into the pale of the constitution, and enjoy the same privileges as are now possessed by the protestants and dissenters; yet most unquestionably there was an understanding, that if they supported the measure, and if it ultimately succeeded, that the greatest objection which then existed against their claims would be done away, and that there was a greater probability that the question would be discussed with more temper, coolness, and moderation, in an imperial parliament, than could possibly be expected in the Irish parliament. On this point there seemed to be no difference of opinion; both the supporters and opposers of that measure agreed that no danger could arise from granting to the catholics, after a legislative union of the two parliaments, those rights which some persons thought (and amongst those were some of the wisest and the ablest men) could not be safely granted during the time that Ireland continued as a separate and distinct kingdom. It was considered that if catholics were admitted into the two houses of parliament in Ireland before the union, that in process of time the catholics might become the majority in parliament; but that view of the subject is

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now entirely done away, for if the whole of the hundred Irish members were catholics, they would be met at the threshold of this house by five hundred and fifty-eight protestants; therefore no injury could accrue to the protestant religion, should the prayer of the petition be now granted. I confess I had not the same opinion which many others seemed to entertain as to the probable advantages that would result from that measure, and I had strong hopes that it might have been averted, until I read the speech of the right hon. gentleman on that occasion: a more powerful, argumentative, more forcible or more eloquent speech I never heard or read; it was a performance which would have done honour to ancient Greece or Rome in their proudest days. That speech, as must naturally have been expected, had the greatest influence on the catholic mind in Ireland. The speech of a prime minister on any subject must necessarily have considerable weight, but on so great a subject as the union of two branches of a great empire, it could not possibly be considered that he would lightly or inadvertently hazard expressions full of hopes and expectations, without well weighing their full force and meaning; and, above all persons, the right hon. gentleman is not in the habit of using expressions upon which a doubt can hang. Sir, on this part of my argument I think it necessary to be explicit for fear of misrepresentation, and to state that I do not mention it with a view to press on the right hon. gentleman, for I then thought and still think that he was perfectly sincere in his declarations; for I well remember (and it was the first night that I had the honour of a seat in this house) that when pressed to assign a reason, why in perilous times he resigned his station, and left his majesty's councils, he then in the most open and candid manner declared, that as he and those with whom he acted wished to carry a particular measure, which they thought after the union would be for the advantage of both countries, and not being able to carry it, they thought that public duty called upon them to resign, and no longer to continue to sit in a cabinet when they were unable to carry a great political measure, which they thought the safety and tranquillity of the country required; and he at the same time stated, that he owed too much to his royal master to press any measure upon him, and that he would oppose it if it came from any other quarter, but that he would never lose sight of the question. This, on the part of the right hon. gentleman, is taking a fair and parliamentary ground, and leaves him at full liberty

liberty on the present occasion to take any part that he thinks proper. But, sir, it was not on the speech of the right hon. gentleman only that the catholics rested their hopes of success, but upon what seemed to be the temper and mind of this and the other house of parliament on that memorable occasion. It was admitted on all hands that the disproportion which before existed between the protestants and catholics in Ireland being done away by this measure, afforded the strongest grounds for supposing that the same objections would not now be made to the catholics having a full participation in the British constitution. I could not help observing that the gentlemen who discussed the question in this house did not make a stand upon this point, or endeavour to obtain a pledge either way upon it. Neither do I recollect that any gentlemen, if they really at that time differed from the right hon. gentleman in the sentiments expressed by him, stated the existence of such difference: he was not contradicted; nor did any person say to him, you confess it to be your intention to admit the Roman catholics to the free participation of the rights and privileges of British subjects; we do not approve of such intention, and therefore we will oppose the union. No such thing passed on this point; therefore the observations of the right hon. gentleman were unchecked, and he was not contradicted in that part of his argument. It is not therefore a matter of wonder that the hopes of the Roman catholics are raised so high, as they had an additional sanction for their expectations, arising from what then seemed to be the sense of the two houses of parliament. It also seemed to be at least a matter of indifference to the people of this country, whether the indulgences held out at that time to the Irish catholics were granted or not; for although addresses were presented to this house at that time, some of them rather against the measure, yet all the objections seemed to me to be confined to points of trade, and a fear expressed, that on account of the cheapness of labour, and other points connected with commerce, arising from the local situation and natural advantages of Ireland, that the trade and commerce of England might in process of time be injured by the measure of union: therefore, as there was no public declaration of the people of this country to the contrary, the Roman catholics of Ireland were fully justified in looking to the parliamentary debates of the time, as the legal and constitutional mode of collecting public opinion. Such, therefore, are the hopes and expectations which induced the catholics to come forward
and

present their petition to parliament. The question being now before the house, I am determined to support it, as I think it of so much importance to both countries; at the same time I must declare that, in my opinion, the Roman catholics are wrong in bringing it forward at this moment; I told many of them so in private, and consistency of opinion makes it necessary for me to make this public declaration. There are numbers of gentlemen who, from my certain knowledge, are friends to the measure, who will yet oppose it on the present occasion, and it is a question of too much magnitude to be brought forward on a doubtful issue. A period of war is not a fit time to settle the religion of any country, to the tranquil times of peace ought such a measure to be committed; but the question being brought forward, I shall certainly vote with the honourable mover to send the petition to a committee; it is too momentous a subject to be got rid of by a side wind or a previous question; it must be met openly and fairly. When we consider it as a question relating to three millions of our fellow subjects, on this point the argument of numbers should have great weight, and makes the material difference between the catholic question and the repeal of the test laws; yet if the repeal of those acts were moved for in this house, my present opinion is, that I should vote for their repeal, though, at the same time, there is a great difference between the questions. In this country the great body of the people are protestants; the dissenters are comparatively few in numbers when compared with the established church; and the parliament might say, The religion of this country is the protestant religion. The government and the people are of the same way of thinking: we consider our religion as connected with our liberties. At the era of the revolution our ancestors acted on that principle, and the constitution has worked well from that period down to the present time. You are but few in numbers, therefore we cannot consent to change our laws for your sakes; there is but a shade of difference between us, you are equally protected by our laws, and we do not preclude you from sitting in our legislature. But this would be no answer to the catholics of Ireland, who are a numerous body, above three millions of men, more than two-thirds of the population of the country, and who, from their numbers and the nature of their claims on the justice and wisdom of parliament, must have the strongest hopes of success. You may take it for granted they will never rest while they have so much reason for

for being dissatisfied, for while men find themselves "curtailed of their fair proportion," they will naturally ask for it; and if any members of this house were to find themselves in the situation of the catholics of Ireland, they would naturally pursue the same line of conduct, and prefer their complaint in the humble mode of petition to the government under which they lived: it was therefore not to be expected that the catholics would give up the point, for they were every day becoming more and more considerable, as they were rapidly increasing in wealth and consequence; and therefore the house would do well to consider this question. Until the catholics obtain what they now seek, you cannot shut your eyes to their situation, and your own good sense must make up your mind to grant what is impossible to be avoided. This is not a question for the present day only to decide upon; session after session, and parliament after parliament, it will cross you; the house must make up its mind to grant it at last. I freely confess that I have not the least idea that the question will succeed at present, and am well convinced that the Roman catholics themselves do not expect it; in their private conversations, they do not affect to think that their wishes will be immediately complied with, but what they expected was (that which I believe they will not be disappointed in), that their case should be coolly and dispassionately discussed in parliament, in the manner that so great a question demanded, and that by the light of reason it would finally work its way: but they cannot expect the protestants at once to throw away those bulwarks, which they so carefully raised against them. The effect is sure, though the operation of reason may be slow and gradual. When looking towards this house for redress of their grievances, they do not forget that you are all protestants, and descended from protestant ancestors; many of whom bled on the scaffold to obtain the superiority which you now enjoy, not only over the catholics, but over all the other nations of the earth. These great and glorious achievements brought with them some prejudices, which it could not be expected men would give up on a sudden, or in a hasty moment; for that would appear like pulling down with a sacrilegious hand those barriers which your ancestors erected for the preservation of the protestant religion, and the safety and security of your country. I well know the protestant religion is closely connected with the foundation of British liberty, and I am not surprised therefore, at the jealousy with which this house, as the repre-

sentative body of the people of England, ought to regard every thing which threatens to encroach upon its most distant barriers. You would not be the faithful guardians of the constitution if you did not act so ; but prejudice within the last twenty years has much subsided, and the clouds of bigotry have begun to break. I remember the day was not far remote when the cry of popery would have followed the agitation of this question, and would have been regarded as nothing less than the approach of a political storm ; but in this country as well as in Ireland, prejudice has given way to reason and experience. I remember the time when a petition was presented to the parliament of Ireland by the catholics, claiming some relaxation of the popery laws ; and so strong was the public feeling on that occasion in the house of commons, and so very unpopular was the question when then introduced, that only thirteen members voted for it ; and in a short time after, so violent and sudden was the change that took place, and so strong was the tide of popular opinion in their favour, that government was convinced that something must be done, or that they could not go on ; the consequence of which was, a bill was passed granting to the catholics the identical same request which a short time before had been refused them. It must be in the recollection of all the Irish representatives in this house, the tottering and unsteady manner in which the catholic question has been taken up and laid down in Ireland : I believe it was in 1792 (as to the precise year I am not now certain) that, during the summer assizes, instructions were sent to different parts of the country, and friends of government went down to the different parts of Ireland, for the purpose of attending on the grand juries ; the consequence was, that violent resolutions were entered into against the catholics. The catholics found that they could get no redress in their country, they sent delegates over to the English government, and they got them to interfere on their behalf. The government of this country, wiser than the government of Ireland, caused an alteration to be made in the king's speech at the opening of the session of parliament, for the speech as originally formed was strongly against them ; the alteration was recommending to parliament in his majesty's name, to take the catholic question under their consideration, and to grant them such indulgences as their situation required. This altered speech went to Ireland : what was the consequence ? the grand juries instantly altered their opinions, and those very men who had agreed to certain resolutions against

against the catholics, afterwards, as members of parliament, voted in their favour; by which the government and the grand juries were both disgraced. If there was no other reason than this, I am convinced that the oppressions under which the catholics of Ireland now labour will sooner or later be removed and redressed; prejudice here will, no doubt, in time give way in like manner. I am therefore for going into a committee, where, though some persons might think it would be imprudent to grant all at present, yet that something ought to be given now, and hope held out for the future. In this view of the subject, I think the Irish parliament acted with great prudence in not granting the whole of what was asked for at once; it might have caused too great a revulsion in the state; the public mind was not prepared for it: the oftener it was discussed the better; every time it gained proselytes, and so much am I a friend to a gradual extension of privileges, that should the house go into a committee on the petition, I would give up much of my own opinion for the sake of unanimity.

I should be sorry to see the grace and beauty of the measure tarnished by any thing like the appearance of a general disinclination on the part of the protestants to grant what the wisdom of parliament might think necessary; at the same time, on such a question, where the feelings and passions of men are so much alive, and where so many strong arguments drawn from history may be used on both sides, I never can hope or expect for complete unanimity. Whenever the measure is carried, I hope, generally speaking, it will give satisfaction to both parties; for if you only make the catholics your friends, and at the same time make the protestants your enemies, you would gain nothing by the change. In my opinion, catholics ought to be permitted to sit in both houses of parliament; for no man who values the constitution of his country, can approve of three millions of his fellow subjects being unrepresented in parliament, and in that situation the Irish catholics are now placed by the existing laws. (*No, no, was uttered in one part of the house.*) *No*, said he: I say they are virtually unrepresented, as was well argued by the hon. mover of this question. It is fallacious in the extreme to say that they are represented, because they are permitted to vote for a protestant, and precluded from voting for one of their own body; it is unfair to say to the catholic electors, you must return a protestant, and give to him the power of making laws for your religion and your conscience; or if you do not vote

for a protestant, you shall not vote at all. I will even put it to the learned doctor, for whom I have a great personal respect, whether he thinks the catholics of Ireland could possibly think themselves fairly represented, if he was to be the organ by which their religious and political opinions were to be conveyed to this house. The learned doctor is an admirable good protestant, but from the specimen that he has given us in the course of this debate, the catholics would never think him a fit person to be their representative. What was now to be given was to the higher orders; the lower class had already been invested with the elective franchise, by which you have given to the rabble all the advantage of a free constitution which they are capable of enjoying; but you deny it to men of rank, consequence, and education, who possess great properties in the country, by excluding them from a seat in the legislature. All the evils apprehended from giving them seats in parliament are now no more than fanciful and chimerical; a certain number might without danger or impropriety be admitted into both houses. It was formerly said, if you give the catholics the elective franchise, the consequence will be that they will vote for no member without putting him to a test that he will be obedient to their purposes, and that in the end it will lay the foundation of a catholic parliament; but they have since obtained that franchise, and such tests or other consequences have never been known to follow: it turned out to be no more than the whim of a distant danger, which vanished as it approached you; all the danger that can happen, has already been incurred. You have given suffrages to, and put arms into the hands of persons but imperfectly educated, and most likely to be influenced by the prejudices you are so much afraid of, and you refuse privileges to the higher orders, whose principles are sound, and possess the greatest stakes in the country. It is an incongruity which ought not to be suffered to exist, to give to the lower orders of catholics the right of electing, and to refuse to the higher orders the eligibility of being elected. Remote periods, and the proceedings of old councils have been resorted to for the purpose of proving the character of the catholic religion; but it was not the history of the eleventh or twelfth centuries that was sufficient for that purpose. The North Pole was not more opposite to the South than the doctrines of the catholics of the present day are from those of that period to which the learned doctor has resorted: because men were clouded with superstition

superstition centuries ago, did it follow that they were so at present? There is not a well-educated catholic whom I have conversed with, who does not laugh at the ignorance and error displayed at the old councils; and will any man in his senses seriously compare the opinion of the catholics of the eleventh, with those of the nineteenth century? Have not the protestants themselves changed their opinions and doctrines with the revolutions of time? In this age of rapid and progressive improvement and cultivation of intellect, are we to be gravely told the catholic mind alone stands still; are the people of this day to be condemned because their ancestors were bigots? If so, let me again ask who is the man amongst us who may not be equally condemned upon the same principles? While arts and manufactures improve, it would be hard if the human mind alone remained stationary, and that men of the present age were to be tried by a few ridiculous resolutions passed in the councils of Lateran. I contend, therefore, that the learned doctor has misrepresented the present opinions and tenets of the Roman catholics, by omitting to make any allowance for the changes and improvements that have taken place during the last six hundred years, not only in the catholic mind, but in that of all other religious descriptions of men during the same period. It has been argued by the gentlemen who have spoken on the other side, and particularly by an hon. and learned friend of mine (the attorney general) for whose opinions I have the highest respect, and from whom, therefore, I am sorry to differ on the present occasion, that the consequence of granting what the petitioners desired would be the subversion of the protestant religion: if I thought so, I would argue most strenuously against it; the learned gentleman himself should not get before me in such a cause. It has also been argued that of the catholics were once permitted to an equal participation of power, that their first steps would be to overthrow the protestant government; I, however, am so far of a contrary opinion, that I can never think the union of the two countries, or British connexion safe, while three millions of our fellow-subjects are held in political bondage; or, what is precisely the same thing, while they think they are so, for slavery operates upon the mind of man as much as it does upon the body, and it is in vain to tell a man that his hands are untied, and that he is perfectly free, if he thinks he is a slave. Nothing appears to me more extravagant and unreasonable than to suppose you can keep such multitudes always quiet, unless you

you are determined to redress them; and after the hopes with which they have been flattered, it will be difficult to keep them in peace, unless they are at least led to expect the gratification of their wishes at some period or another.

It is, sir, a matter of the utmost importance, and intimately connected with the present discussion, to inquire into the reasons why, although the reformation extended itself so rapidly in England, it made so little and such slow progress in Ireland, but a little reflection will soon resolve this problem. In the first place, similar means were not used in both countries, for making the reformation take root. We have records in abundance, shewing that in times comparatively remote, Ireland was conspicuous for its civilization and literature; but it was most unfortunate that the reign of Henry VIII. when the reformation commenced, happened to fall in one of the darkest ages of that country; and it is well remarked by the protestant historian (Doctor Leland) that the seeds of the reformation found an unfavourable soil in Ireland, and could scarcely spring up with any degree of extent and vigour. The people were not connected by one and the same system of policy, and were strangers to the refinements and advantages of political union; they were harassed by a perpetual succession of petty wars, they were distracted by mutual jealousy, even the most civilized (by which I mean the English pale) living in continual alarm, were daily called out to repel invasion, and therefore could have little leisure for speculation, and little disposition for those inquiries, which were pursued with more avidity in countries nearer the spot where the reformation was first preached. It is certainly true, sir, that the catholic religion in Ireland wanted reformation at that time, as much as it did in any other part of the world; and that the people felt the oppression of the clergy as much there, as they did elsewhere; but the difference was this, that in the other countries of Europe the vices of religion was at that time their leading, and perhaps their only grievance; but in Ireland it was only one of those oppressions which the land experienced. You will scarcely believe that in the year 1529, when Europe had declared almost unanimously against the yoke of ecclesiastical power, so deeply rooted was the catholic religion then in Ireland, that an attempt to empower the civil magistrate to imprison ecclesiastical debtors, excited the greatest ferment through the whole country. So great was the ignorance even of history in Ireland at this period, that Sir James Ware, the great Irish antiquarian,

antiquarian, complains, that with all his laborious researches, he could not find materials to discover even the names or succession of several Irish bishops, in the first beginnings of the reformation. In England, on the contrary, as well as in the other countries of Europe, the period of the reformation was a bright period. It was the time when the human mind was most civilised, and a spirit of literature and inquiry manifested itself every where. In Ireland the prelates of the most eminent diocese slept in monastic tranquillity, while all Europe was engaged either in religious dispute or in religious war. It was natural, therefore, that the protestant religion, whose very existence depended on finding out the errors and imperfections of the catholic religion, should rapidly advance in countries the most civilised, and remain stationary in a country distracted with internal insurrection, and that was at that time sunk and depressed with the grossest ignorance. When, therefore, you consider that the Irish clergy were without discipline or knowledge, and the laity without instruction, you cannot be surprised that, in proportion to their ignorance, they should be strenuously adverse to the protestant religion, and as servilely abject to the see of Rome, which, for the first time, they now heard impeached with astonishment and horror, the only authority in religion that they had been accustomed to venerate and look up to. These were also other causes which operated strongly against the reformation in Ireland. The policy pursued by your ancestors from their first settlement in this country, was that of driving the native Irish from the English pale. The consequence was, that it kept them blind and bigoted, the natural concomitant of a disquiet, uncivilized, and dissolute course of life. This policy of drawing a line of demarcation between the English and the Irish had this effect, that if it made the English party friends to the reformation, it was sure to make the Irish party enemies to it. Ireland, though remote from Rome, was considered as more immediately to belong to the papal power than any of the countries on the continent; and there was one particular prejudice in favour of the see of Rome, which operated in a very considerable degree equally on the Irish, and even on the enlightened part of the English race. Ireland had been for ages considered, and industriously represented, as a fief of the pope, in right of the church of St. Peter; and by virtue of this imaginary right, Ireland was conferred on Henry II. and the Irish parliament, in the seventh year of Edward IV. occasionally acknowledged this to be the only

only legitimate foundation of the authority of the crown of England; therefore an attempt at enforcing the reformed religion in Ireland was considered by the natives almost as visionary as an attempt to establish it in Rome itself; and it was considered as profane and impious in Henry VIII. to attempt to introduce the protestant religion into Ireland, and a violation of the stipulations of his ancestors, by which alone he was entitled to the crown of Ireland. This was a point that at all times, and under all circumstances, would naturally retard the reformation in Ireland more than in any other country. The distinctions that had been kept up from the earliest times between the native Irish and the English pale, were at this time increased by the bad policy of Henry. It will scarcely be believed, that when any of the English intermarried with the great Irish families and settled beyond the pale, that they were immediately called degenerate English, and a distinction was kept up not only between the English and the native Irish, but between the English and the degenerate English. This surely then was the time, when Henry wanted to pave the way for the reformation, to have put a final end to all those distinctions that retarded not only the reformation but also the civilization of Ireland. Had he at this time looked with the eye of a statesman or a philosopher into the internal situation of Ireland, and acted on a generous principle, or an enlarged system of policy, he would have collected all the inhabitants of every description into one body of subjects, and restored peace and tranquillity to that distracted country. Had he acted thus, he might then have prepared the people to receive at his hands the reformed religion. The wise policy for Henry to have pursued was, to respect and venerate the manners and customs of a rude, and at that time an uncivilized nation. If he wished to get the great Irish chieftains to change their religion, the natural course for him to pursue was to encourage them to live within the pale, and not to drive them beyond it; but instead of pursuing such a line of conduct, he cut off all communication with the English. And in the same parliament in which the acts were passed for establishing the reformed religion, he revived with all their severity the ancient laws against marrying or fostering with the Irish, and the use of the English order, habit, and language, was strictly enforced throughout the pale. The custom of fostering was innocent and harmless, it drew a close and intimate connexion between the great chieftains and the lower orders of people; and I believe it was reserved for the refined

refined policy of an Irish legislature to pass laws against manners and customs, which were in themselves innocent and necessary. This eternal line of distinction between his English and Irish subjects was, as Lord Clare states, not to be reconciled to any principle of sound policy; it was a declaration of perpetual war, not only against the native Irish, but against every person of English blood who had settled beyond the limits of the pale, and from motives of personal interest and convenience, had formed connexions with the natives, or adopted their laws and customs: and it had the full effect which might have been expected; it drew closer the confederacy it was meant to dissolve, and implicated the colony of the pale in ceaseless warfare and contention with each other, and with the inhabitants of the adjacent districts. In England the natives were friends to the reformation, and actually run before the monarch in their revolt against popery. In Ireland the people were ignorant and prejudiced, and the enemies of the English government naturally seized on every innovation as an offensive exertion of authority. In the most civilized parts the clergy could not extend their power over the old natives; their synods were, as the record expresses it, held *inter Anglicos*; and great irregularities in the ecclesiastical constitution of Ireland was the natural result of the odious and absurd distinction of its inhabitants: blindness, bigotry, and superstition followed of course. Ireland, therefore, was not a place for those circumstances to operate which favoured the first reformers in every other part of civilized Europe. Henry had too mean and contemptible an opinion of his Irish subjects; and he seems to have forgot that his tyranny was less formidable amongst the native Irish, who resisted his power; and that his distant situation rendered his inflexible severity less to be dreaded: and it therefore happened, that by the great body of the people, the laws for the reformation were mere dead letters, totally neglected; and the laws for the dissolution of the monasteries and the religious houses were in some instances perfectly inoperative. Of this Sir John Davis gives a remarkable instance. The abbeys and religious houses in Tyrone and Tirconnel, though they were dissolved in the thirty-third year of Henry VIII. were never even surveyed nor reduced into charge, but continued to be possessed by the religious persons in their full vigour so late as the reign of James I. The extreme ignorance of the clergy, in many instances incapable of performing the common offices, and utter strangers to the language in which they celebrated mass,

was another great cause that retarded the reformation in Ireland. "Hard it is," says a chancellor of Ireland when writing to England, "that men should know their duties to God and to their king, when they shall not hear teaching and preaching throughout the year. Preaching we have none, which is our lack; without which the ignorant can have no knowledge." It is true that Archbishop Brown, and some suffragan bishops, came over to Ireland, and some English divines; but they were not zealous reformers, they did not live in their dioceses, and they did not understand the Irish language—and the natives did not understand the English language. And even so late as the reign of Elizabeth, an order was made that the liturgy should be read in Latin, on account of the Irish not understanding English. How then was it possible that they could proceed in the great and arduous work of reformation? The Irish bishops and incumbents, in some instances, gave up their dioceses and livings, sooner than consent to embrace the reformation; and Archbishop Brown could not get others to fill up the vacancies, on account of the distracted and uncivilised state of the country. The churches fell into ruins; and in the remote parts of Ireland, wherever Henry sent a protestant bishop to take possession of a see, the pope generally sent a catholic there to oppose him. In direct opposition to the power of Henry, Cromer, the archbishop of Armagh, an Englishman by birth, and who had been chancellor of Ireland, collected all his suffragans and clergy, and openly declared against the reformation, which he called an impious attempt; and during the whole course of his life continued firm in the catholic religion. On his death, Henry appointed Dowdal, an Irishman by birth, to the primacy; but he, like his predecessor, opposed the reformation, and stood forth at the head of the northern clergy a bold and determined opposer of the protestant religion. In fact, there could not have been a more injudicious time for extending the reformation in Ireland than the precise period when Henry attempted it. From a letter addressed to him on that occasion by his Irish master of the rolls, it appears that the sovereign authority did not extend at that time beyond twenty miles from Dublin, and of course his influence was proportionably contracted: it is therefore manifest that the regular order was inverted, for he should have begun by conciliating the natives, or conquering the country, and endeavoured to convert the inhabitants afterwards. In this country the reformation was propagated by argument and reason;

reason; in Ireland the method taken was to propagate it by the sword, which has seldom proved the fittest instrument for gaining proselytes. In England the king had no competition, and easily diffused the spirit of the reformation among the people. In Ireland he opposed a very limited authority, and the doctrines he wished to enforce were opposed and resisted by the natives. The impolitic oppression practised in Ireland was a further obstacle to its progress. The proceedings in the two countries were so extremely different in every respect, that the reformation was not allowed the same fair play in the one country that it was in the other. When Henry shut up the monasteries, and destroyed the monastic livings in England, he bestowed them by grant upon the nobility and men of considerable property, who commanded the respect of the people. In Ireland, on the contrary, he bestowed them on English settlers and needy adventurers, whose interest was constantly at variance with those of the people. Though the territory of government, as I observed before, extended no further than twenty miles from Dublin, yet bishops, and other clergy, were sent over, who never thought of residing on their benefices, and instead of propagating their doctrines, had, in fact, no connexion whatever with the inhabitants. If the religion then adopted had been at that early period taught in Ireland, it might have had nearly the same effect that it had here; but in that country it does not appear that any one ever attempted to teach it. Nor was the protestant religion ever tendered to the people, except in the shape of an act of parliament. On this subject Lord Clare remarks, that it is difficult to conceive any more unjust or impolitic act of government, than an attempt to force new modes of religious faith and worship, by severe penalties, upon a rude, superstitious, and unlettered people. Persecutions, or attempts to force conscience, will never produce conviction: they are calculated only to make hypocrites or martyrs, and accordingly the violence committed by the regency in the reign of Edward, and continued by Elizabeth, to force the reformed religion in Ireland, had no other effect than to foment a general disaffection—a disaffection so general, as to induce Philip II. of Spain to invade this country. It was from these causes that the reformation did not advance in Ireland, and from the harsh measures by which it was sought to be enforced, which, when practised on rude and uncivilized minds, tended rather to disgust, and render the established religion unpopular and obnoxious. By such means Ireland

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was doomed to remain in a state of ignorance, superstition, and bigotry. Thus it has happened, that at this day we have above three millions of catholics in Ireland, without likelihood of conversion. Force, instead of argument, was the instrument employed in Ireland for the propagation of the new religion. In later times a law was passed by which the eldest son of a catholic who had a landed estate might, by turning protestant, make his father tenant for life. What could be more detestable than this law, which was so well calculated to revolt the feelings of the people, by an unnatural power given to a son to shake off the dominion of his parent? Thus the son was bribed to betray his parent; and the bribe that he got was out of the plunder of his parent. Could any human institution be founded on a principle more inhuman, irreligious, or unnatural? This bribe, however, was not confined to the eldest son only, but, by a refinement in policy, the youngest, or any other son, was also by his conversion afforded the bribe of seizing on his father's estate, and letting it gavel between him and the rest of his brothers. In this way it will be allowed that parliament took a most irreligious step for extending their religion, and prepared their converts for being good protestants, by first making them bad men. The protestant religion is best supported by its own original purity; it stands on a foundation never to be shaken; the simple light of the gospel illuminates it; its free tenets are of that kind, that they will ever extend themselves with the progress of civilization; and as the human mind expands, the protestant religion will take root. But you took the very worst mode of effecting this in Ireland; you did all in your power to keep the catholics ignorant; you prohibited them from educating their children at home, by excluding them from the university of Dublin, and they were necessarily compelled to send them abroad for foreign education, where they were of course brought up in all the prejudices of the Roman catholic religion. There were also a variety of other acts, that had a similar tendency; but I will not detain the house by reasoning on them at present. One great and leading objection which I have heard stated against the admission of catholics into parliament is, that the pope is allowed to have more power in Ireland than he is possessed of in other catholic countries. Upon this subject I made it my business to converse with some catholic gentlemen of the first rank and consequence, and asked them whether they would have any objection to their bishops being nominated by his ma-
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jesty instead of the pope, and they all agreed they could have no objection to it. What I should propose would be, that hereafter, whenever a see was vacant, the other bishops should assemble and choose two or more candidates, whom they should recommend for appointment, and leave the choice of the person to be determined by the king: after which I can see no objection to the person so appointed by the king, receiving his consecration from the pope. Indeed, I have good reason to believe that, if the prayer of the petition was granted, the catholics would cheerfully give up that point (*a cry of hear! hear! from Mr. Fox, and those members who surrounded him*), as well as make what other sacrifices the circumstances of the case may be thought to require; for I must maintain they have no right to seats in parliament, while they continue to take their bishops from the hands of any foreign power: however, I cannot but think the catholics would be very well satisfied with this arrangement, and I make no doubt that many of the opposers of the present measure would relax in resistance, and agree to it upon this condition. To speak plainly, I should wish to ask of the hon. gentleman (Mr. Fox), who must be in the confidence of these gentlemen, by their selecting him to present their petition, to what extent the catholics would go in this respect, and what are the points which they would have no objection to give up? In some respects I differ from the hon. mover of this petition: he seems to think that the Roman catholic laws, when passed at the revolution, were not directed against the Roman catholics, as such, in a religious point of view, but to prevent them from possessing political power. I think our ancestors passed them with a double aspect; for the preservation of the protestant religion, and to protect our civil liberties. They were laws enacted both against popery and slavery; for James, who was the source of them, was both a tyrant and a bigot: this is the view that history gives of these times.—As to the prospect generally attributed to the Roman catholics of Ireland, of a wish to get back the forfeited lands, I am perfectly convinced that they do not entertain the most distant idea of obtaining any of the estates confiscated by their ancestors, except by the fair mode of purchase: the times are too remote when those events took place, and property is now too well settled ever to cherish such an idea. Nearly two centuries have elapsed since the forfeitures took place in the reign of James I., and the settlement of the province of Ulster, and above one century since the period of the revolution; since which

which time no attempt has been made, or even thought of, to disturb the present possessors. The best proof that can be given of this is, that since the relaxation of the popery laws, in the reign of his present majesty, when the catholics were first permitted to purchase lands on fee simple, they have almost invariably, from a principle of pride, been solicitous of purchasing those estates which formerly belonged to their forefathers, and had been forfeited lands, which they certainly would not have done, if they had the smallest hopes of ever receiving them back in any other way. I once inquired of one of the most eminent lawyers in Ireland, and who is generally consulted in giving opinions upon titles, and in the purchase of estates (I mean Mr. Sankey), if he knew any instance in which a Roman catholic, wishing to purchase an estate, ever made any objection to the title on account of its having been originally a forfeited estate; and his reply was, that he never knew of such an objection being made, even in a single instance: and, to my certain knowledge, estates have been purchased to the amount at least of twelve thousand a year, in the county which I have the honour to represent (the county of Waterford), by Roman catholic gentlemen, since the period to which I have alluded, almost every acre of which was forfeited property: this, therefore, is the strongest proof that no such idea exists. They know the value of money as well as you do, and unless you think them deprived of common sense, you never can think they would purchase estates, the title to which they thought was insecure. It is an error into which some gentlemen have fallen, when they tell you that the catholics of Ireland have maps which they privately keep, by which they could trace the boundaries of the estates once possessed by their ancestors, in the expectation that they would, on some future day, have an opportunity of reclaiming them. The fact is, that the maps of all those forfeited lands are kept in a place of the greatest security; but by whom? Not by the catholics, but by his majesty's auditor-general in the castle of Dublin. It is a public record, and is daily produced in the courts of law to ascertain disputes respecting boundaries; and, I will venture to assert, that at least fifty protestants have recourse to it for one catholic that has, property being at least in that proportion between the two religions; so that the security of that map is of much more consequence to the protestants than to the catholics of Ireland. Sir, the history of this map is very well known: it was drawn by Sir William Petty, by the directions of

of the Irish government, and it contains every acre of ground that was forfeited in Ireland, together with the names of the persons that originally forfeited, and specifying what religion they were of: it consists, I believe, of above twenty folio volumes. By accident, in the office where it was formerly kept, some of the volumes were burnt; and it having been discovered that King James II., when he fled to France, brought one copy with him, and deposited it in the king of France's library, at Versailles, the present General Valancey was sent over, accredited by this government, to the French court, in order to procure a copy of it, which he accordingly did, and the two copies are now in the castle of Dublin, where I have frequently seen them. *From this circumstance, therefore, it will be seen how idle the story is, that the catholics are at the trouble of keeping maps privately, with sinister views, when the real one is accessible to every person who applies for it.

The great point, sir, which I have in view, is to shew that as the reformation, now in existence nearly three hundred years, has hitherto made such slow progress in Ireland, the surest method we can take to advance it, is by adopting a different system from that pursued by our ancestors, and, in some respects, of undoing much of what they have done. If there was a probability of changing three millions of catholics into protestants, I should gladly approve of a measure which might be likely to accomplish so desirable an end, provided it was to be attempted by argument, humanity, and justice, but not by force, or the severities of a penal code. This is the first time that a great Irish question has come before this house, and I confess I never heard a subject discussed with more temper and moderation, or with a more evident view to obtain every information on the subject that it was practicable to procure.

Sir, I have stated the reasons and arguments which have induced me to adopt the line of conduct I mean to pursue on the present occasion, and I have now only to apologise for having taken up so much of the time of the house, and to return my thanks for the patience and attention that I have experienced.

Sir William Scott declared that his objections to the measure were not of a temporary, but of a permanent nature. The general practice of all civilised states had been, with a few exceptions, to require all their executive officers to conform to the religion of the state. The hon. mover of this measure had observed upon the propriety of separating political from religious establishments. In answer to that observation, he should

should quote the authority of Mr. Burke, who stated, that the connection between church and state was the foundation of the constitution, and was inseparable. At the reformation, the civil and religious establishments were consolidated. To our ancestors we owed the blessings we enjoyed. In the same charter in which the title of the reigning family was recognised, it was decreed that the government, as far as any human provision could be permanent, should be for ever protestant. This had been the prayer of our ancestors, and he trusted it would long be the prayer of the inhabitants of this country. This had been the legacy of our forefathers, and our own acquisition, which had insured to us freedom both of church and state. Every thing that connected the king with his subjects was founded on a protestant basis. The king was to be a protestant, to marry none but a protestant, and all who were to exercise the delegated powers of the crown were required to be protestant. The prayer of the present petition could not be granted without a surrender of the constitution. The case of a protestant prince surrounded by catholic counsellors, for the purpose of carrying on a protestant government, was as impossible to exist in fact as in law. The catholics would have in that case a civil and a religious duty, drawing them in different directions, and he meant no disrespect to them when he stated, that he believed they might be disposed to lean to the latter, or that they would be unfit persons to watch over the church establishment of the state. The hon. member (Mr. Grattan) had represented the Irish catholics as loyal; but, by his argument, it appeared that they were to be loyal for a boon. The catholics of this country laboured under severer disabilities than the Irish catholics, and they had made no demand, nor preferred any remonstrance. But the hon. gentleman had stated, that on the success of the present petition would depend the future loyalty of the catholics. It had been urged as a ground for the admission of Roman catholics, that they were numerous, and ought to be respected. The same rule would apply to Turks, Jews, or any other set of men. It was no argument, because much had been given, that all should be given; that they should give up the whole structure, and tear up the foundations of the state. He gave credit to the parliament of Ireland for having made a selection of offices from which the catholics were to be excluded; and, as nothing on that head had been suggested at the union, nor had any thing since occurred to alter his former opinion, he should vote against the motion,

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Mr. Grattan rose to correct a mistatement or misapprehension of the learned gentleman. In whatever manner his words might have been understood, he had distinctly said, that if the parliament of England were to assent to certain calumnies that had been uttered against the catholics of Ireland, which calumnies he had stated to be, "that they were traitors to their king, and enemies to their country;" that such assent would lay the foundation, would sow the seeds of separation, not by the rejection of the petition, but by assenting to the calumny. This he thought necessary to say, not so much in explanation of the sentiment, as for the purpose of restating it.

Dr. Laurence, though always sorry to differ from his learned friend, should, indeed, have been sorry if he had not differed from him on this subject. For he could not look to the constitution of the country, which was the pride of England, and the envy of the world, if he could consent that so great a proportion of the subjects of his majesty should be placed under the ban of the empire; and, whilst they were denied an equality of protection, were called upon for an equality of allegiance. Though it had been thought necessary to adopt in this country several laws against the catholics in the reign of Charles II. it appeared, by the letters of the Duke of Ormond, that the same had not been extended to Ireland. The opinion of King William, and of his counsellors, had been, to place the catholics in the same situation a century since in which they are now, to repeal all the acts for precluding them from civil and military employments, but to exclude them from the houses of parliament; and, if they should behave well, to have their indulgences increased, on the ground that it was not right to dictate by force to the consciences of men. If the catholics were loyal, why not give them what they desired? When they should unfetter the prerogative, did it follow that they should force the king to employ catholic counsellors? The learned gentleman then shewed, by a reference to the context, and to the abstract nature of the cardinal virtue, prudence, that the passage in *Dr. Milner's* publication, so severely commented on by the learned gentleman (*Dr. Duigenan*), was perfectly justifiable; and, after having dwelt on these topics, stated his object to have been, as gentlemen were not in general acquainted with such subjects, to give a warning to persons how they in future ventured to quote passages from books partially, or to search for musty fragments of obsolete pamphlets, in order to make them the ground of fallacious argument. As to the question

before the house, he thought, that whatever difference of opinion might prevail as to the extent of the concession, all who were of opinion that any thing should be granted, should vote for the motion.

Mr. Foster was bound, by the importance of the subject, as well as by the part he had taken in another place upon a former occasion, to claim the indulgence of the house for the few minutes during which he should call upon their attention.

From the manner in which the hon. member near him (*Mr. Lee*) had gone through the whole detail of the penal laws against papists in Ireland, he feared the house might be led to imagine, that they were still in force: the fact was otherwise, and he would tell gentlemen the real situation of the Roman catholics of Ireland at this day.

They were as free as the protestant, in the acquisition, in the enjoyment, and in the disposal of property of every species; they could purchase land, settle their estates, and enjoy all the profits of commercial industry equally with him; they possessed every benefit of civil liberty as fully as any other subjects. What, then, is the object of their petition? Political power only:—this is all that remains for you to give, or for them to demand, and every gentleman who has supported the petition acknowledges it (*a cry of hear! hear!*). I am glad to see the subject is now brought to the true point. The grant of political power is the avowed object for us to discuss; of every thing else they are in complete possession (*a cry of no, no, from the opposition benches*). If I am thought in error, or to have made too strong an assertion, I can go through the whole catalogue of civil rights, and every article of restraint which the laws did impose, and shew that the catholic is fully and completely free; but I see there is no occasion.

Political power is then the sole demand, and what are the inducements held out to us for granting it? The gentlemen tell you it will conciliate Ireland; that it will incorporate four-fifths of the people there, and one-fifth of all your population, at this perilous moment, when you have an enemy to contend with consisting of thirty-six millions of people, and you have only fifteen millions to oppose to him; that, by not granting this petition, you deprive yourselves of one-fifth of your national vigour, and of your physical strength. Such are the arguments of the hon. mover, and of the other hon. gentleman (*Mr. Grattan*) who spoke yesterday on the same side; and that four-fifths of the Irish nation were thus rendered of no use to the empire. But how do their arguments support

support them? They forget that, almost in the same breath, when they wish to prove the safety of the measure, they tell you, and tell you truly, how much the empire is indebted to the Irish; that the Irish composed a great and illustrious part of that gallant army which conquered Egypt; that they supply a large proportion of the British fleet with sailors; and that, to their courage and to their ardour, Lord Nelson was indebted for his glorious victory at the Nile. They tell you too, that half your armies in every war, half the militia, and a large portion of the Irish yeomanry which overpowered the late rebellion, and saved Ireland to the empire, were catholics of Ireland. I agree with them in the whole to the honour of my countrymen: and what follows? That we have now, of their own shewing, the full physical force, the full national vigour, which they inconsistently bid us acquire by this unnecessary measure; and I will add more, that if the armies want increase, if the navy requires additional hands, this measure will not add one argument to the recruit, and Irishmen will come forward with the same ardour, and with the same alacrity, which has distinguished the character of their country for its love of military glory, whether you grant the petition or not.

But if conciliation is to follow, we ought to know whom we are bid to conciliate: is it the lower and middling ranks of the catholic people? I will assert, in presence of the many gentlemen from Ireland, who can contradict me if I am wrong, that the mass of that people there do not know what this claim means. Ask them what catholic emancipation is, and so totally ignorant are they about it, that some say it is an exemption from tithes; others, that it is to lower rents; others, that it will save taxes. In short, all who have heard of it (for many neither know nor care about it) will give you their own conjectures of whatever claim, debt, or demand, public or private, they wish to be freed from: scarce any believe it to be what it really is, a struggle for a few offices of political influence, or seats in parliament, which the lower ranks cannot enjoy, and feel no interest in. These lower ranks do not, and cannot, urge what they neither want nor comprehend. It is not, therefore, they who call for this measure. And now let us see how the argument stands as to the superior orders of the catholics.

Do the gentlemen tell you the measure is necessary to secure their loyalty, or to procure their strength in this hour of peril? They pay them a bad compliment indeed, if they

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represent this boon, or any boon, as necessary to make or keep them loyal; a compliment which I should be ashamed to offer, and which I could not concur in with truth; for I know personally many of those gentlemen who have signed this petition, and I think I can answer for them they would spurn such an idea. Those of them whom I have either the honour or pleasure of being able to speak of from personal acquaintance, are as loyal men, as good subjects, and have acted with as much zeal and energy to uphold the state against the rebel and against the invader, as any individuals in the kingdom. [*A loud cry of hear! hear! from all sides.*]

I will not then believe that the upper orders of the catholics are only conditionally loyal, or that they would qualify their attachment to the empire by resting it on claims to be conceded, or stipulations to be bargained for; but if I could believe it, it would form with me an insurmountable bar to giving them that political power which is the acknowledged object of their petition; and it ought to decide us all unanimously and instantly to reject a demand so made. This argument of conciliation, therefore, so far as respects the loyalty or accession of the lower orders to the national strength, is confuted by the facts which the gentlemen who offer it have themselves urged; and the upper orders cannot admit it without acknowledging a qualified and temporising loyalty only, which their conduct disavows. But to proceed with this favourite argument of conciliation, and it is almost the only one offered. If it is still urged that this measure will give content, and that the catholics will rest satisfied, you are totally mistaken. Let us judge of their future by looking at their past conduct. In 1778 the Irish parliament removed some of the then existing restraints: content was to be the consequence; but they were not satisfied. In 1782 greater indulgence was granted; in 1792 they petitioned for further favours; and, in 1793, much more was given to them than even they asked. I did not agree in that gift: I did not think that political wisdom justified our going so far; but a contrary opinion prevailed; the measure was carried, and I wish it to be at rest for ever. I feared at the time that it would lead to new and further inadmissible demands; and that fear was too well founded; for two years did not elapse until, in 1795, they again came forward with the same object as they do now: and do you think that if you now acquiesce, they will rest here? I am sorry to say the nature of man will not allow us to indulge such

such a hope, while his pursuit is power. No, they will not stop on this concession, We all know they look with jealousy to their tithe being paid to the protestant to uphold his church. The interested feelings of their clergy, whose influence over the minds of their flock is peculiarly powerful in the catholic worship, will urge them to continual exertion for a restoration of those tithes. Possessed of them, they would not rest; equality in religion would not satisfy; they would look to the weight of numbers, which their advocates so often dwell on, that the religion of the greater number ought to be the religion of the state. In short, they would look in the end to raise the catholic church in Ireland on the ruins of the protestant. Such will be the natural result of giving them political power, and they would laugh hereafter at our folly, were we to make the concession. Power is and has been so prevalent in their views, that they have connected it in every attempt with every other object. Reform and emancipation have gone together in the whole of their progress. These two watchwords of discontent were coupled together in all their proceedings, until the union accomplished one of them, the reform, which otherwise they might have pursued for ages without effect.

- I know that I now tread on very delicate ground; but I trust to the liberality of the house, that if I use any unguarded expression they will correct it, and allow me to explain.

Suppose then, for a moment, that they acquire a power of sitting in parliament by the vote of this night, would it be a strange conjecture that they would soon feel that their small number, if it were fifty or sixty, or even the whole hundred, would be of little avail among six hundred and fifty-eight; that the union had accomplished the reform they wished for by the destruction of boroughs; and that two hundred seats, all belonging to protestants (for protestants only received the compensation), had been annihilated? Possessed, then, of this reform, and of their power of sitting, it might be natural for them to look to a restoration of the Irish legislature. They would see the barriers, which the wisdom of ages had erected against their having political power, broken down by this night's decision. Their exertions would rise in proportion to their hopes of success, and it would require only a revival of the Irish parliament to give them the consequence and superiority they long for. The hon. mover's doctrine, that seats in parliament

ment are their right, qualified by him, I acknowledge, with the exception of the *Salus populi suprema lex*, would not weaken their endeavours or their prospects. They would consider it a right existing, but withheld from them at the time the union was discussed, and upon it they would endeavour at a dissolution of that measure. They would call for three hundred members to resume their functions in an Irish parliament; and the two hundred seats added in the room of the one hundred protestant boroughs, which we have demolished, would all be filled by popular elections, where numbers, in which their strength consists, would decide. What would not a majority, so constituted, look to? They would see their own aggrandisement, the maintenance and dignity of their clergy, and the consequent superiority of their church, all within their view. I will look no further into so tremendous a prospect. This result may be slow, and I firmly believe the day of its accomplishment would be distant; but is it the less to be guarded against? To me the reasoning seems so strong, that I cannot shut my senses to it, nor to all the mischiefs which must attend the attempt, and the miseries which must follow it. The seeds of separation would be sown, and Ireland might be torn from her connection with Britain, without which she is and must be incapable of enjoying wealth, tranquillity, happiness, or any of the blessings of human life.

But when you talk of conciliating Ireland you have forgot to tell us where the discontent is. I know the country well, and I do not see it any where. If any gentleman has seen it (and there are Irish representatives present from all parts), I wish he would get up and state it. No, Ireland is content, if you will not agitate her with ill-timed discussions; and I will venture to say, that the rejection of this demand to-night will not cause a discontented thought, except in those very few, whose ambition has been buoyed up by the vain and selfish hopes of power and personal influence.

Further, if by conciliation is meant the giving satisfaction, why do you look to the catholic only, and forget that there is a million of protestants? Will they be satisfied by your breaking down the barriers which secure their protection? Remember that you have settled us in Ireland under the faith of that protection, that on that faith we claim as our inheritance all the blessings of that glorious constitution which our ancestors and yours have fought and bled for—the
Hanover

Hanover succession, the illustrious house of Brunswick on the throne, a protestant king with protestant counsellors, protestant lords, and protestant commons. This is what I call protestant ascendancy in the true sense of the phrase; and while I can utter my voice in this house I will ever demand it for my country.

If then by granting this petition you endanger or even alarm the protestant, dissatisfaction, and not satisfaction, must be the result of the measure; and among whom? Among those who are and ever have been loyal both to church and state, and who swear allegiance to both, which those whom you are desired to admit as legislators decline.

I might rest here, having shewn you the futility of the only argument they dwell on; but I will go further; and when you are called on to give them political power, you are not to consider Ireland only; you must look to the situation of England, where the catholics do not enjoy the same freedom as their brethren in Ireland do. Are they less meritorious? Certainly not; and before you give further privilege to the Irish, you must put them on the same footing, and confer on them in Britain the right of voting for members, and all the other favours contained in the act of 1793 [*a cry of hear! hear!*]. You must, in the next place, if you accede to this petition for the Irish, make the English catholic admissible also into the highest offices, and to a seat in parliament; and then the catholics of England, Ireland and Scotland may sit indiscriminately for every place throughout the whole empire into which they can find access by any means they may think most likely to obtain for them the favourable opinion of the electors. Will you not pause a little here, and reflect before you proceed? Reflect that you have a protestant church, and how it would tremble under such a change; that men who profess the catholic faith, and acknowledge a foreign potentate to have spiritual authority within the realm, cannot be entrusted with framing laws for that protestant church, and the protection of the protestant establishment. On what foundation does that church stand? Is it not on your laws? Do not its rites, its worship, its possessions, its hierarchy, its pre-eminence, all depend on the laws of the realm? And are you ready to fill your legislative assemblies with catholics, with persons attached and bound to another church? Do you forget the necessary alliance between church and state, that if you endanger the one you destroy the foundations of the other?

And

And can you be so infatuated as to entertain for a moment the idea of calling on catholic members to make the laws on which both church and state depend, and on catholic counsellors to execute them? I will give the catholics every merit which men can claim, and still the feelings which are incident to human nature would debar them from being able to make such laws as those who profess the established religion of this country are bound to do.

But a curious argument has been urged by every gentleman on the opposite side who has spoke, that what the petitioners desire is little for us to give, and much for them to receive. I say the reverse is the true statement. They have little indeed to receive, compared with the much which we are called upon to give. They are to receive access to a few official situations in the state, and a power of sitting in parliament. We are to give up that on which the vital liberties of our country rest; that, which gives energy to our armies, and superiority to our navies; that, which supports us whole and unimpaired amidst the crash of surrounding nations, and maintains us in the proud pre-eminence which so happily and honourably distinguishes the British name,—the glorious constitution of our country. Little for us to give! do you say? Call you the surrender of the bill of rights, little? a demolition of our church establishment, little? the protestant succession, little? What more have you to give, or what will remain to you worth preserving, when you have given it? [*A cry of hear! hear! from the ministerial benches.*]

The hon. gentleman tells you there is no danger in a state's having its counsellors or ministers of a different religion, and he instances Sully and Neckar in France; but they were protestants, and they did not acknowledge the authority of a foreign power within the realm, which a catholic does; nor had they the larger portion in the community of their own persuasion, to support them in any innovations which their religious tenets might urge them to attempt. A popish state may safely trust a protestant at the helm, for he acknowledges its supremacy; but the protestant nation cannot with the same security take a catholic, who denies it.

The same gentleman (Mr. Fox) has adduced Venice as an instance, where both religions equally managed the state, Surely he cannot be serious in offering us such a model. Does he quote her as an example? Venice, where is she now?

now? No longer a nation, but sunk and lost to the world, after all her pride for centuries! and her fall perhaps accelerated by that very mixture of religious power which he recommends. [*Some members smiling, Mr. Foster continued.*] I see the gentleman is not serious, but if he can laugh so carelessly when the happiness of a country is at stake, I would advise him to spend a few months in Ireland: he would then learn what the feelings of the honest and the loyal protestant are on seeing his rights made a matter of doubt; and he would probably abstain from sporting with his happiness and tranquillity, by such impolitic and unprovoked discussions.

Mr. Foster concluded by reminding the house of an old maxim—*principiis obsta*. It is a wise one, and bids you oppose this first attempt to break down the barriers which are drawn round the constitution. A strong opinion has been firmly expressed by a great and decided number in another place against this petition; and let us too, with equal manliness and wisdom, declare our determination this night, by such a clear and conclusive majority as shall put the matter to rest, and discourage all future attempts to disturb the public repose, and endanger the national security.

Mr. G. Ponsonby remarked, that the right hon. gentleman (Mr. Foster) had acknowledged that the catholic soldiers of Ireland had materially contributed to obtain the victories of Lord Hutchinson in Egypt, and of Lord Nelson at the Nile. He had also acknowledged the loyalty and excellent conduct of the petitioners, of some of whom he had spoken from his own personal knowledge; and what was the reward which the right hon. gentleman proposed for their loyalty and their services? To refuse their petition. It had also been said by the right hon. gentleman that our protestant constitution, consisting of a protestant king, a protestant house of lords, and a protestant house of commons, would be placed in a situation of great danger if the claims of the catholics were conceded; as a protestant king might then, at some future period, be surrounded by catholic counsellors; but who was to surround the king with catholic counsellors?—the king himself. The right hon. gentleman had insisted that the succession to the crown in the reigning family would be endangered if the prayer of the petition was granted, and that a future prince of the house of Hanover might surround himself with catholic counsellors, and destroy the constitution; but it was very evident, that if such an attempt was made, it not only must fail in the onset, but that

exemplary punishment would be inflicted upon those counsellors who had dared to give such pernicious advice. It had also been said by the right hon. gentleman, that if we might judge of the dispositions of the catholics by the past, if the claims urged in the petition were completely conceded, it would give that body of men no content; and how? because what has been done has contributed to render them loyal and faithful subjects, according to the right hon. gentleman's own acknowledgment, therefore the right hon. gentleman had concluded, that if more was granted them, and the terms of their petition complied with, they would not be contented. The right hon. gentleman had said that the observation, that what the catholics asked was of little value to us but of great importance to them, ought to be inverted; and yet in the same breath had asserted, that this little in their hands would become so potent as to subvert the constitution. It had likewise been stated by the right hon. gentleman, that if the Irish Roman catholics were admitted into parliament, thirty, forty, perhaps eighty, or even one hundred catholic members would be returned to parliament from Ireland. He believed, that in making this supposition, the right hon. gentleman had advanced much faster in his argument than the catholics would in power. If all this power was at once to be in the hands of the catholics, what must have become in the mean time of the protestant gentlemen—of the million of protestant inhabitants which Ireland contained? Instead of one hundred members, he did not believe there would be more than ten catholic members returned to parliament at the expiration of twenty years after the privilege of making such a return had been granted to the catholics. But then, said the right hon. gentleman, when these members get into parliament, what will they do? one hundred set against five hundred and fifty-eight. The right hon. gentleman had admitted they could have no weight opposed to that number; but then, argued the right hon. gentleman, when they find they have no weight against the large majority of the house, they will dissolve the union. Those catholic members, according to the right hon. gentleman, would make the best terms they could with the minister, and would compel the five hundred and fifty-eight protestant members to dissolve the union, and send them back to Ireland to form a popish parliament. It was truly ridiculous, although he meant nothing disrespectful to the right hon. gentleman, for whom he had personally the highest respect, to maintain that the protestant establishment would be

be endangered by letting in a few catholics to sit in parliament. A number of arguments had been used, or rather he would call them assertions, the purport of which was, that Ireland was in a most barbarous and uncivilized state. They had also been told of the sanguinary and vengeful disposition of the catholics. He was surprised to hear such assertions repeated in that house; but the best proof of their falsehood was, that those who made them walked in safety about their own towns without being once assailed by those whose characters had thus been attacked. Amongst other objections urged against the catholics, one had been made against the college of Maynooth; would those who made this objection have the catholics reduced to a state of ignorance and barbarity, or would they have them sent to foreign countries for education?—would they have them sent to the pope, to that very pope who had been made the degraded instrument to place the crown upon the head of Bonaparte? would they have them sent to him to learn allegiance to the protestant king of Great Britain? It had been said, that if these claims were conceded, the protestant establishment would be overthrown. He would suppose that they were granted—he would suppose that amongst the catholics introduced into parliament, some one, of extraordinary talents and acquirements, might rise to eminence and become a secretary of state, or chancellor of the exchequer; could any man imagine that a person so situated would be such a fool or a madman, as to advise the king to subvert the established constitution in church and state; or if he did, how long would a king or a parliament suffer him to continue in office? It had been said, that if other men took an oath, you might believe them; but if a catholic takes an oath, you must not believe him: for, like a lover, he will deceive you. The right hon. gentleman had admitted that many of those who had signed the petition were, to his own personal knowledge, loyal men, and men of honour and respectability; was it then to be asserted that such men would deliberately break an oath which they had solemnly taken? It had been observed, that none of the catholic clergy had signed the petition. Many inferences had been drawn from this circumstance, but he believed the real reason was, that the catholic laity had been so frequently charged with being under the influence of their clergy, that they determined in this instance to shew that they did not act under their influence, by sending their petition without the signatures of any of that clergy. He

did not wish to weary the house by making long quotations from books, but there was one volume from which he could not avoid reading a few extracts. The book to which he alluded, and which he held in his hand, was the Roman catholic prayer-book. The hon. gentleman here read several extracts from the prayer-book of the catholics, for the purpose of proving, that according to the tenets there detailed, no catholic was bound to submit to any decree for dissolving the allegiance between him and his sovereign; that the pope was declared to have no temporal power over the jurisdiction of princes; and that, notwithstanding any command of the pope, the catholics were bound to defend their country against all enemies, even against the pope himself, if he should join in any hostile attempt. If this was not satisfactory, he contended that it was out of the power of language to convey a stronger or a more definite meaning. If the catholics of Ireland were not to be confided in, how came most of the Irish members, on coming over here, to leave their property, their children, and sometimes even their wives, in the care of catholic servants? If they believed that the catholics were not to be trusted upon their oaths, surely they could not be in their senses to leave in the care of catholic servants almost all that was dear to mankind. Never was so foul a misrepresentation made of the character and conduct of any set of men. The character of the Irish catholics was excellent, and he did not know where in any situation men could be found who had preserved so much excellence of character under so many disabilities and degradations as had been imposed on them. Whatever is good in their characters they owe to themselves. Whatever is bad they owe to you—they are indebted to you for much misgovernment. This was the first time in his life that he had heard an Irish subject coolly and patiently considered in that house. The affairs of Ireland had too often been considered, to use a common, but perhaps vulgar expression, a *bore*, and had been shifted off upon subaltern agents, in order that those whose attention ought in the first instance to have been directed to them might hear no more about them. Ireland, he observed, had been originally rendered poor, in consequence of the commercial regulations anciently established by nations, who thought that, by rendering other nations poorer, they enriched themselves, forgetting that the poorer their customers the less demand there must exist for their commodities. The evils to which Ireland was exposed in consequence

quence of this system were increased by the religious contests which took place after the revolution, connected with the contest in favour of the exiled family. The moral character could not fail to be injured by oppression; his only wonder was that the people of Ireland bore up so well against the evils of their situation. He was not surprised that the catholics of Ireland when they had obtained some should wish to ask for all the privileges to which they were entitled; he was surprised they had not urged their claims before, he was still more surprised that the petitioners were catholics, and that the protestants of Ireland had not had the wisdom and the magnanimity to ask of the legislature to remove the restraints and the disabilities under which their catholic brethren laboured. The possession of power too frequently corrupted the mind; one man being in the possession of power for a series of years generally became corrupted by its exercise; but when one class of men were set over another, it was not to be expected that they would soon get rid of those feelings which necessarily arose out of the exercise of the power which they possessed. In considering the expediency of abolishing degrading distinctions relative to religious opinions, he wished them to recur for a moment to the policy of other states, particularly France. During all the horrors which succeeded the revolution in that country, no exclusive privileges were allowed to the professors of any religious opinions, nor were they now. There were many protestants at the present moment in the south of France, but it could not be supposed for a moment that they would join us in any hostile attempt upon that country. The same argument applied to the catholics of Ireland, who would be equally indisposed to unite with a catholic enemy. Look at our late alliances. Protestant Prussia took our subsidy, and immediately made peace; whilst catholic Austria also took our subsidy, and placed her empire upon the hazard of the die. The protestant cheated us out of our money, whilst the catholic fought till he could fight no longer. It was in Great Britain and Ireland that the independence of the empire must be maintained; it was in these islands the root struck the branches, and the foliage arising from which overspread the world; it was in these islands, therefore, that unanimity was most peculiarly called for, in order the more effectually to maintain our independence against the power of France. Unless, therefore, they were convinced that the overthrow of the protestant establishment must be the consequence, they would

would commit a great oversight in politics if they neglected to unite as closely as possible the whole population of these islands, on the strength of which we must fight for empire.

The *Chancellor of the Exchequer*—Differing widely as I do, upon the grounds on which such an application as the present ought to rest, from those who support the motion, and differing materially also from those who oppose it, I shall state the general view in which this question presses on my mind. In the first place, however, I cannot forbear expressing the high satisfaction which I feel at the temper, moderation, and uniform attention to avoid whatever might irritate or offend, with which this discussion has been conducted. I am happy too, sir, that I am relieved from entering upon a statement and a defence of those general principles of policy which in my opinion ought to regulate an affair of this nature, and which formerly it was my lot to urge at considerable length. It will be observed that this application does not now rest on the claim of right. I understand that the hon. gentleman who brought forward the motion does not abandon the sentiments which he has before expressed on the abstract right, but that for the present he consents to wave that part of the question, and to rest his claim on the ground of expediency. I have uniformly maintained that expediency is the *only* ground on which the question can possibly be entertained. I never felt that emancipation was a word that, in the sense in which it is used when treating of this subject, can be considered as involving any thing like an acknowledgment of right. But perhaps there is a great deal more in the term expediency, as contradistinguished from right, than gentlemen may imagine. This I am led to conclude from the circumstance that the hon. gentleman who brought forward this motion seems disposed to convey an idea that on that point there is only a shade of distinction between us. In my view of the subject, however, there is a broad, evident, and fundamental distinction between the right and the expediency. A right is in itself absolute, and independent of all times, circumstances, and situations: but expediency, on the contrary, is most certainly dependent upon all of them. With regard to freedom, franchise, the privilege of sitting in parliament, and the capability of being chosen to fill the high offices of the state, all are to be considered, not as given to the individual but as given to the public, the benefit of which the whole must be designed to promote, without respect to individual interest or advantage. Therefore, at all times, in all situations,

tions, and on every question, whether relating to catholic or protestant, whether relating to the repeal or relaxation of test laws, or any laws of exclusion, we are not at liberty to confine our views to the interests of any particular individuals, but are bound to consider what is best for the whole. It is not then sufficient barely to shew that no prejudice can result from any measure proposed; but it is also necessary to attend to the circumstances with which it may be connected, and to the effects which may be expected to follow its adoption, and from a broad and complete view of the whole case, to prove that it is a measure which, in its consequences, must be beneficial to the public. This is the view, and this is the policy on which we must proceed in granting those claims to the catholics; permitting them to sit in parliament, and rendering them capable of being chosen to fill any of the high offices of government. On that principle I have as strong desire as any man can have to remove restrictions where it is possible to do so in consistency with the public safety and advantage. Many restrictions have been already removed, and I certainly am not disposed to regret that circumstance. But previous to the union of Great Britain and Ireland, I could conceive no case in which the advantages now solicited could be given to the catholics, in consistency with the security of the connexion between the two countries, in consistency with the interests of the protestants, the firm and tried friends of British connexion, in consistency with the internal tranquillity of Ireland, or in consistency with the safety of the established religion in that country. But *after* the union, I have no hesitation in declaring that I saw the subject in a very different light—(*loud cries of hear! hear!*).—I considered then, and the hon. gentleman has fairly represented what I stated—I considered what would be the effects of such a measure as that required by the petition now before the house; but he has been candid enough to admit that I gave no positive pledge on that occasion. The line of argument which I pursued on that great and difficult question was this:—If it be right to grant every privilege of a British subject to the catholics, it can after the union be done with more safety; if, on the contrary, it shall be found right to withhold these privileges, the refusal must then be attended with less dangerous consequences. I was clear upon these points, and after the maturest consideration, I own that my mind then inclined strongly in favour of the catholics. I was of opinion that, after

after the two countries were united; the privileges claimed by this petition might be given to the Irish Roman catholics upon certain conditions, and with certain guards, which would protect the establishment from danger, and continue all their rights and immunities to the protestants; and if some circumstances had not occurred to weaken every hope of the beneficial effects that might be expected to result from such a measure, I, for my own part, am free to admit, that I see none of the dangers from it, which some others seem to apprehend. But in saying this, sir, I do not mean wilfully to shut my eyes against the opinion which has been strongly and reasonably urged, that the Roman catholics must naturally feel a desire to advance the religion of which they are members. They may, undoubtedly, at the present moment, renounce every intention and every expectation of promoting the progress of that religion, and they may do so sincerely; but when once they are admitted to a share of power which may give them some chance of improving the condition of the Roman catholic religion, to hope that they would always neglect to avail themselves of every opportunity that offered for that purpose, would be to shew a complete ignorance of the nature of man. It is natural for the human breast to desire, and to endeavour to spread the opinions to which it is attached, and to increase the power and the consequence of those who maintain them. This is peculiarly the characteristic of the Roman catholic tenets. The only grounds, therefore, on which I could have agreed to grant the privileges claimed, or rather wished for in this petition, were that they should be accompanied with such a check as should prevent the existence of any danger to the institutions of the country. With such precautions I was of opinion that the interest of the public might be materially promoted by this measure, and that no ill consequence was likely to be the result. I thought so, sir, for different reasons. In the first place I was convinced that it was not as catholics that the Irish were engaged in those scenes of trouble and calamity that preceded the late rebellion. That Roman catholics were in great numbers engaged in these scenes, is beyond all dispute, and though I am satisfied that the foundation of all the horrors that desolated that unhappy country was to be found in the jacobin principles that had been spread over it, yet I do not mean to say that base, malignant, and ignorant priests did not aggravate these horrors. The source, however, was not in their religious principles, and

and therefore I was aware that the Roman catholic religion ought not to suffer for principles with which it had no connexion, though they had unfortunately found their way among so many of its professors. Against these principles, therefore, and not against the Roman catholic religion, I thought that a test ought to be directed, in order, if possible, to exclude uneducated and malignant priests, and then the Roman catholic clergy might be brought into such a state of conciliation, that they might form links by which the Roman catholics might be connected with their protestant brethren, and with the government. In such a situation nothing could be feared from the Roman catholics. That, in my opinion, would be a wise and comprehensive measure, which might be productive of the most important and beneficial effects to the whole community. But let it not be imagined that I ever entertained the notion that all checks were at once to be dissolved. This was not my opinion; but I thought that they ought to be directed against the root and essence of the danger; and with such salutary provisions, I had no doubt that a greater respect might be procured for the protestants themselves, and a greater opportunity for spreading the protestant religious opinions, and enlightening the minds of the catholics. These, sir, were the general views which I had on this subject, and I have no hesitation in saying, that if the plan had found that powerful concurrence which alone could give it the desired efficacy, and if those with whom I had the happiness to act, and who were much more acquainted with the matter than I could be supposed to be, had consented to employ their time and their talents in consolidating the system, instead of weakening the established church and the institutions of the state, it would render them firmer and stronger, and produce effects which would be attended with incalculable benefit to the empire. But when I state this, I must observe, that I considered the period of the union favourable to such a measure as this, not because any pledge had been given for its adoption, but because it could then be adopted without danger. This period appeared favourable on other grounds. It had the strongest chance of a general concurrence. The impression of the increased security which the protestants received from the union was fresh upon their minds. Their religion, their property, and all their rights, civil and ecclesiastical, were guaranteed to them. All those circumstances were done away which could exasperate or overawe a local legislature. The protestants were placed more

closely under the protection of the British empire, in proportion as they were more nearly connected with their brethren in England. If the measure could then have been brought forward, it would have been regarded as the first fruits of the union, and a disposition might have been found to comply with it without rekindling any religious animosities and contending interests, which lead to discussions the most disagreeable for the feelings of every liberal mind. But, sir, circumstances rendered it impossible for me to bring forward this measure at that time, in the only way in which I thought it could even have a chance of being attended with those beneficial effects which it was designed to produce. All the explanations that I could possibly give, in consistency with my duty, were given at the time. More I could not do, and nothing can compel me to enter into any farther detail on the subject. I then relinquished my situation, because the circumstances were such, that I could not be a party in agitating this question. These were my feelings, and on this occasion I can only answer for myself: those who acted with me, and also relinquished their situations, can best explain their own feelings, and say whether they concurred or differed with me. The very essence of the measure was peace, union, and conciliation, and its object was, if possible, to extinguish animosity for ever. I could not bring it forward under circumstances that not only precluded the hope of its being attended with these desirable consequences, but even gave a moral certainty that the evil which it was designed to remedy, would be rather aggravated than otherwise. It is scarcely possible for me to express the bitterness of my disappointment at not being able to propose the measures to which I have adverted; and I did then undoubtedly form a determination not to be engaged in such measures in any circumstances that did not promise that general concurrence which, in my apprehension, was absolutely necessary in order to answer the end proposed. I was not then so visionary as to expect an entire and unanimous concurrence, a thing that never can reasonably be expected on any great political question of this nature. But I did expect that I should be enabled to bring forward the measure under circumstances that should have weight enough to prevent all the bad consequences that could possibly result from it. Now, sir, with the same views of this great political question, I at present must confess that I can see but little chance that pressing it at this moment can possibly carry it forward. Certainly it cannot now be carried as a measure of peace,
union,

union, and conciliation. It can only produce warmth and animosity, and raise hopes in the catholics which, if disappointed, may in the result be attended with the most fatal consequences. Now, sir, as to the chance of carrying it; can the catholics be gratified at this moment without injuring the protestants? I do most deeply lament the proposal that is now made, because it puts me under the necessity of stating the melancholy conviction that is produced in my mind on this subject. But I would ask whether it is not clear at present, that the man of property, the man of the greatest respectability, the mass of the protestants, are decidedly averse to the proposal. I would ask whether there does not appear such a strong repugnance to the measure, that it cannot be carried, and that, if it were carried, it must be unattended with any of the advantages that could render such an event desirable? When I ask this question, sir, I know that few can seriously differ from me in opinion on this point. To carry it, indeed, is a thing which I cannot believe, and which even those who urge the measure cannot hope to expect. They must know, that such an event is, under the present circumstances, not likely to take place. Looking at the question since the period of the union, without adverting to the circumstances that rendered the proposed measure then impossible to be carried, I ask, whether from that moment it has not been the subject of discussion? I do not mean discussion in this house, but of conversation among almost all ranks of people; and particularly since the notice given by the hon. gentleman who proposed the motion. It has deeply, very deeply, engaged men's minds; and I should disguise the truth even from myself, if I did not say that I am convinced there seems at this moment to be a strong and rooted aversion to the progress of the measure. What future circumstances may produce, what changes may take place hereafter, it is impossible for me to say; but for the present, while the subject has so completely engaged the attention of men, as to destroy all consideration of other questions of no less importance, it cannot be concealed that there appears no chance of prosecuting the measure with effect. Now, sir, as to carrying it likewise, the honourable gentleman who opened the debate this day alluded to the termination of the question in another place. I most fully agree with him, that no man is to be prevented from pressing any thing of a public nature which he may think of great importance, merely from a consideration of its failure in another place. There are, undoubtedly,

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instance,

instances in which this house has differed very materially from the other branches of the legislature without the smallest disrespect intended on any side. I agree that this house is to consider and decide as shall appear right and just to itself, without regard to what has been done in any other place. But, sir, if I am right in my general views, the failure goes to the essence of the consideration itself, for all hope of a general concurrence is done away. But affirming that this is not to be attended to, yet the marked disapprobation of the other house must have the worst effects on the measure, as far as regards its utility. If it be carried at all, it must be with a general concurrence, otherwise all the advantage is lost. Take care that you do not loosen the bands that bind the class now most devoted to you. If in circumstances such as the present, the decision of one branch of the legislature is found to be adverse to the question, that decision must be taken into account, because it is essential to the consideration of the probable consequences of the measure; but, in fact, every man must not on a great public question, trust solely to his own private opinion; he must also attend to the general feeling of the public, and look at the point in a combined view, directed to all the different interests, circumstances, and possible consequences connected with any subject in consideration of which his mind may be employed. Now, sir, in treating of this subject, one thing is particularly pressed: At all events go into the committee, in order to consider whether, if it be not possible to grant all, it may not be proper to concede a part. This reasoning is supported by a reference to minute circumstances; not minute indeed in themselves, but minute when compared with the general object of the measure. The importance of the Roman catholics in the nation is urged, and the supplies which they furnish of soldiers and sailors, then the hardship is enlarged upon of enlisting a Roman catholic soldier in Ireland, and after bringing him over here forcing him to attend worship at a protestant church. If this be a heavy grievance, the measure of redress ought to be brought forward in some other shape, and not in a measure of this sort, which ought to embrace every object, if it can be entertained at all. But, sir, I must and do lament that the Roman catholics have thought this the most proper moment for urging their claims. This, however, does not depend upon me. They were the persons to decide: but I again repeat, that I lament the effects of their decision. But if we were to go into a committee of the whole house, where
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different sentiments would of course prevail, some would be for granting all, some would be for granting a part, some would grant upon conditions, and others would consent to some minute concessions. I would ask the hon. gentleman who defended it, with such splendour of eloquence, whether under other circumstances the motion ought to be supported? He states, that as far as religious feeling was concerned, which he avoids discussing, and which I shall also decline, the hopes excited in the breasts of the Roman catholics under the administration of Lord Fitzwilliam, and afterwards disappointed, had a great share in producing the rebellion which followed. When he knew that circumstance, and felt the force of it, what wisdom or policy could he find in going into a committee on the present occasion, and raising the expectations of the catholics that the whole would be granted to the fullest extent, when it was possible that the prayer of the petition might be rejected in all its parts? Would this be consistent with sound policy? With a circumstance so notorious in his view, surely the hon. gentleman can never seriously have expected that the house would agree to go into this committee. Sir, I have as sincere a desire as any man to comply with these claims upon certain conditions, and I do most deeply regret that it is not in my power, under the present circumstances, to propose any thing that could have the smallest chance of carrying the measure in such a manner as to give the least probability that it would be attended with all those advantages which ought to attend it. But my wishes are here unavailing; we have only at present the alternative, either to refuse to go into the committee, or to reject the prayer of the petition after having gone into it—a thing that might be attended with I know not what mischievous consequences. I should, sir, not do my duty, I should not be consistent with myself, I should not be consistent with the declarations which I have made, and the views which I entertained on the subject, if I agreed to countenance any measure of this kind on other grounds than those of that general concurrence which I have adverted to. At present I do not see the smallest chance of any such concurrence, and therefore it becomes my duty to oppose the motion.

Mr. Windham said it was impossible for him to say whether or not he agreed in the premises of the right hon. gentleman without looking to the result. At the time the union was brought forward, those who supported that measure had many
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of them the object which was now proposed to the house. For himself, he might say, not only that it was the great object of that measure, but the only one. In his opinion the disadvantages of that measure so far overbalanced the advantages that he only considered it as one by means of which an union of the catholics and protestants might be brought about. Why the sentiments of the right hon. gentleman at that time did not apply to the present, the right hon. gentleman had not explained. All the reasons that had been adduced for not complying with the prayer of the petition, appeared to him insufficient. The state of the public mind had been alleged as a reason, and the sentiments which were supposed to pervade that house; but who was the organ, by means of whom the knowledge of these opinions was obtained? The church was also said to be against it, and likewise the protestants of Ireland; but if they were to wait till these objections were overturned, they might wait for ever, as these objections would always exist, particularly if it was to be stated beforehand, that such objections would be made, as in that case the object now in view could never be carried. How could they finally succeed if they did not make a beginning? He knew of no reason, if it was thought fit by government at the time of the union, that should not make it fit now. Circumstances had been stated as objections, but they were unexplained. They knew not what these circumstances were, nor whether they might not exist for ever. As to the mischief which it was said would result from this discussion, it was not to be compared to the mischief which would have resulted from refusing to bring it forward. It seemed from the argument of the right hon. gentleman, as if he would not allow an act to be expedient that was not universally allowed to be so, which was absolutely impossible. He must hear much stronger arguments than had yet been adduced, before he could consent to reject these claims, and thereby continue three or four millions of men under degrading disabilities. The *onus* lay upon those who supported the continuance of the restrictions, to prove the necessity which existed for that continuance. He should not then go into the question; he should do no more than enter his protest against the arguments drawn from circumstances unexplained, and express his wish that the measure proposed might be carried into effect.

Sir John Newport—Although he was naturally anxious, on a question of such vital importance to the interests of Ireland

Ireland and of the empire (entertaining the decided opinions which he ever had held on this subject), to assign the reasons which must govern his vote, yet where what he conceived to be the great interests of the public had been defended with such consummate ability and brilliancy of eloquence, he would not, at that late hour, have trespassed on the attention of the house, but that he thought he could point out some untrodden ground, where a case might be found so precisely apposite in all its circumstances, and bearing so directly on the just and moderate requests of the petitioners, as to demand the notice of parliament.

It was the result of an experiment fairly tried, in very critical circumstances, on a great nation, possessing above seven millions of inhabitants, varying most widely in their religious tenets, agitated by violent convulsions from those religious differences and the restrictions founded on them during many centuries, yet finally procuring internal tranquillity and external strength and respect, by the sacrifice of those restrictions: the nation was Hungary. Of her seven millions of inhabitants, one half were protestants, calvinists, and lutherans; many of the Greek church, and many Jews. Mahomet had been often called in to the aid of Calvin; and the crescent often glittered on the walls of Buda and Presburg. At last, in 1791, during the most violent crisis of disturbance, a diet was called; and by a great majority of votes, a decree was passed, which secured to all the contending sects the fullest and freest exercise of religious worship and education; ordained, that churches and chapels should be erected for all on the most perfectly equal terms; that the protestants of both confessions should depend on their spiritual superiors alone; liberated them from swearing by the usual oath, by the holy Virgin Mary, the saints and chosen of God: and then, sir, said the hon. baronet, comes the great and leading clause, granting, in the fullest extent, every point which is in the utmost contemplation of the petitioners before the house to ask—
“The public offices and honours, whether high or low, great or small, shall be given to natural-born Hungarians, who deserve well of their country, and possess the other requisite qualifications, *without any respect to their religion.*”
This, sir, has been the line of policy pursued in a diet, consisting of near four hundred members, in a state whose form of government approaches more nearly to our own than almost any other in Europe, having a Roman catholic establishment

establishment of great wealth and power. It was adopted, too, at a period when the severest trial awaited the experiment. It has passed that fiery ordeal, it has undergone a trial of fourteen years of revolution, such as the world never witnessed, more than equal to a century less convulsed. What have been its effects? When the French advanced in their course like a torrent, within a few days march of Vienna, the Hungarians, before so disaffected, rose in a mass. They formed (what they call) the sacred insurrection, to defend their sovereign, their rights and liberties, now common to all; and the apprehension of their approach dictated to the reluctant Bonaparte the immediate signature of the treaty of Leoben. Such, sir, have been its effects. The Romish hierarchy of Hungary exists in all its former splendour and opulence; never has an attempt been made to diminish it; and those revolutionary principles, to which so large a portion of civilised Europe has been sacrificed, have here failed in making the smallest successful inroad.

I trust, sir, I shall be now considered to have discharged my engagement to the house; to have produced a case bearing precisely in every point of view on the petition of the catholics of Ireland. Has the house of Austria, not the least attached to its religion of any in Europe, set you such an example; and have you witnessed the great and happy effects resulting from this experiment, and will this protestant legislature fear to subject our religion to the same test? Will you persist in keeping up that wall of proscription which they have so wisely and happily thrown down? I will only add, that the great instance which I have thus cited of liberal and enlightened policy, affords the most complete and perfect refutation of the assertion in the petition from the corporation of Dublin, which states, that the Roman catholics of Ireland are at present placed on a footing of political power not enjoyed by any other dissenters from the established religion of any other state of Europe. I will not detain the attention of the house farther at this late hour, but give my most cordial and hearty assent to the motion.

Mr. Fitzgerald (the knight of Kerry) said, it would be a melancholy consideration indeed for the catholics of Ireland, if they were to suppose that the bias of the public mind against them was too strong for any reasons to subdue. He had uniformly supported the question in the Irish parliament. He had supported the union on the idea that
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it would be the most probable means of obtaining this object. He knew that many other gentlemen had supported it on the same principle. He hoped, however, even if the house should decide that night against going into a committee, they would obliterate from their minds those monstrous calumnies which had been stated against the people of Ireland.

Mr. Archdall read a passage from a pamphlet, which he stated to be of great authority, shewing that the bulk of the Roman catholics themselves were by no means anxious about the issue of the question. The cause, he contended, if a good one, had been ill conducted; and gave his decided negative to the motion.

Mr. Dillon professed his determined support to the petition, and although he had hitherto generally supported the measures of government, yet if they resisted this petition he could no longer augur favourably of their intentions towards Ireland. He considered the stories which some gentlemen had been pleased to tell that house as gross calumnies, meant to mislead them. Those parts of Ireland which were represented as so very savage and barbarous, were, in fact, as quiet and secure as any other part of his majesty's dominions.

Mr. Shaw—Although I wish I had not to address you on the subject before the house, yet I cannot reconcile to my sense of public duty to give a silent vote upon the occasion; nor, though that duty be painful, will I shrink from its open and manly performance.

Intimately connected as I am with the prosperity of my native land, it must be expected that upon any question connected therewith, I shall give a sincere vote. Those who know me will believe that I shall do so this night, in honest accordance with my conscience, my judgment, and what I conceive to be the sense of my constituents.

In common cases, profession of principles and independence would only appear superfluous; but, where prejudices are to be combated, and popularity is perhaps divided, I feel it not unnecessary to assert my complete independence, alike of ministerial influence and of popular clamour, should the one be supposed adverse, or the other favourable to the prayer of the petition.

Having thus far trespassed on the house to disclaim, in my vote, all sinister influence, I now beg its indulgence to

a few reasons, which I shall briefly and plainly advance in support of that vote.

It is impossible that I, in common with every member of this house, must not feel affected by the torrent of eloquence poured forth by the hon. mover and supporters of the motion; but I have not been convinced; and while I admired, I was awakened to a sense of the necessity of recurring to those obligations which I accepted with the great and honourable trust reposed in me by my constituents; and their sentiments on the subject now before us have been too recently and too strongly expressed in the petition on your table, for me to affect to misunderstand, or with propriety oppose: neither can I be insensible to the paramount duty pressing upon me to support the constitution, as it has been entrusted to my care; and unless instructed to the contrary by the express will of my constituents, I shall endeavour, at the appointed season, to yield up my trust as unimpaired as can depend upon my humble but zealous exertions.

I know, Mr. Speaker, that the doctrine has often been advanced, that a member of parliament is not to be limited in his duty by local attachment; that he is the representative not of a part but of the whole. This I reject; and were I to admit it generally, I should feel my own case a strong and overruling exception.

A great capital possesses peculiar and commanding influence over the representative; and to attempt to despise its sense, or divert its interests, is that bold and perilous kind of enterprise which I confess I dare not undertake. I feel embarked in one bottom with the city of Dublin; and I never shall set my own opinion above that of its electors, nor wilfully act in contradiction to their wishes. But, sir, while I profess to obey implicitly what I conceive or know to be the will of my constituents, I deprecate the remotest idea that I entertain a feeling hostile to my catholic countrymen, or that I am not as sincerely attached to their real interest as any gentleman who this night supports the petition on your table. Sir, I know that if those interests had been honestly and truly consulted, that petition would not now be under discussion; a subject of such importance, involving such a variety of interests, and exciting such warmth of feeling, would never have been brought forward at such a time as this, nor have been made an instrument to embarrass the executive power, when the completest unanimity

mity within and without these doors is necessary to oppose the most formidable and malignant enemy that ever threatened our political existence.

The petitioners support their claims by the assertion of their loyalty. If that loyalty is questioned, it is not by me. No man has greater confidence in the loyalty of the Irish catholic, when left to the genuine influence of his own heart; but I must remark, that the petition on your table holds out an indirect threat to parliament, and by asking you to do away those distinctions which make a *foreign enemy rely upon the aid of disaffection*, it in some degree admits, that should you not accede, such aid may be given, should the occasion offer. In the event of such a trial, I know the superior strength of Irish loyalty, and that my country never was better prepared to meet and to crush a foreign or domestic foe. But, sir, I am willing for my own part distinctly to acquit the petitioners of any such meaning; and I wish the Irish catholic better than that he should derive from our fears what our prudence and inclination would not grant him. I feel an anxiety for his honour as well as his interest; and I trust, that whatever he may receive on a future day from this house, shall be the result of cool, mature, and impartial deliberation, and be given to him in a manner consonant to that dignified weight which I wish every class of my countrymen to maintain in the scale of public opinion.

Should the day come when every civil distinction shall be removed, I wish the boon unaccompanied by reluctance and distrust; I wish it to be when the Irish catholic is relieved from the odium and suspicion derived from his foreign connections and influences, and when the directing head of his church shall not be the instrument and slave of that sanguinary despot, who is the implacable foe of the constitution and liberties of this empire. But, sir, is the house prepared to entertain this petition without going farther? What is to become of the English catholic and English dissenter? Sir, I should be ashamed to look the latter or either in the face, if I committed such flagrant injustice as to exclude them alone from the privileges now required of us. Without intending any invidious comparison, I know that his majesty does not possess a more loyal, sincerely attached, and valuable subject than the Irish dissenter; and the English dissenter may well be supposed not less meritorious. If there are tests to which those professing certain

creeds cannot subscribe, are they alone to be bound by the influence of conscience, and its dominion denied where it should most prevail, and where it is the bond of our liberties and our laws? No, sir; and until some reconciling mean can be adopted, let us remain as we are, and all unite in maintaining against the common enemy that constitution so superior to all others, and which is the sole refuge of civil liberty in this quarter of the world.

I ask pardon for having occupied the time of the house so long; but having the honour to represent the capital of that country, whose interests are so vitally involved in the present discussion, I felt it imperative upon me to lay before the house my reasons for voting against the present motion.

Mr. Hiley Addington rose, not to argue the general question at that late hour of the night, but only to explain a mistake which had been made by an hon. gentleman (*Mr. Fox*), in quoting a passage of a speech of a noble relation of his (*Lord Sidmouth*). That noble lord had said, in the passage alluded to, that if he was put to the necessity of chusing between the total emancipation of the catholics or the re-enactment of the penal laws, in such an alternative he would prefer the latter as the lesser evil. He hoped, however, that the legislative union would remove the necessity of such an alternative.

Mr. J. Latouche felt himself obliged to differ entirely from his colleague, and support the petition. He considered that, besides the undoubted right of the petitioners, there could be no great act of policy in the present situation of the empire more beneficial than that which would be likely to unite most firmly the whole population of the united kingdom in one common interest and one common cause.

Sir J. C. Hippisley stated two striking facts—one of them the constitution of Corsica, as ratified by his majesty, and which stipulated that the Roman catholic religion, in all its evangelical purity (which were the words of the act), should be the only national religion of Corsica, and all others tolerated; and that the parliament should concert the discharge of the functions of the bishops with the see of Rome. The other fact was, that a Roman catholic priest, of the name of *M'Donnel*, had been commissioned by his majesty, in the year 1794, as chaplain to a catholic regiment raised in Great Britain. He said he left gentlemen to draw their own inferences from these circumstances; how far they might consider

consider such acts as trenching on the principles of the constitution, as it had been argued, or perfectly consistent with the prerogative of the crown. At that late hour, seeing the disposition of the house, he would not press the subject farther.

Lord De Blaquiere declared that the petition of the catholics could not now, nor at any other time be entertained, without manifest danger to church and state.

Mr. Hutchinson vindicated *Mr. Scully* from the imputations thrown upon him by some gentlemen, and read a variety of passages from a pamphlet written by that gentleman, to shew the loyal and patriotic purport of the work. The hon. gentleman then spoke in favour of the motion.

The Attorney General and Sir W. Scott explained.

Mr. Hawthorne was in favour of the motion.

Sir George Fitzgerald Hill—*Mr. Speaker*, however I may have felt it my duty to deliver my sentiments at-large upon this question, I perceive the house to have received such impression of the dangerous consequences to the constitution and the state establishments; such impression that the safety of the throne itself, as well as public and private property, are involved in granting the prayer of the present petition, that I shall not now further trespass on the patience of the house, than to contradict some unfounded assertions made by the mover (*Mr. Fox*) and a distinguished supporter (*Mr. Grattan*) of this petition; but first I must notice, from the time and circumstances under which this measure has been brought forward, that I very much question the sincerity of the agitators of it, and from various considerations do pronounce it a party trick. (*Order! Order!*) I feel, *Mr. Speaker*, my words are not strictly in order, and I shall change them. I pronounce then, sir, that this question has been brought forward at this time to obtain thereby the weight and support of the influence of the catholic body to serve party purposes; this, it is not disorderly for me as a member of this house to state, and it is the truth.

The mover of this petition knew full well that obstacles insurmountable stood in the way of its success; that the minister, after consulting the highest authorities, and the judgments of the most experienced men around him, deemed it expedient to decline bringing it forward himself, and advised that it should not now be offered to parliament. The leading and best disposed catholics themselves are believed to have held the same sentiments as to the propriety of withholding their claims

claims for the present; but I charge that opposition, aided by the democratic part of the catholics, overruled this determination, and forced forward this discussion. The hon. mover of the petition and his friends were impelled by the hope of thereby discharging themselves from an obligation to the catholics, and of fixing against the minister the forfeiture of an alleged pledge he had given to that body; from this, however, the chancellor of the exchequer has been exculpated, although he does still privately hold opinions favourable to their claims.

I have myself been constantly in the habits (I speak it with due humility) of giving the present minister for many years my best political support; but I cannot, on the present occasion, consider him altogether blameless, feeling as I do that no individual possessed of great authority, both from his character and situation, ought to announce his opinion and his desire to make such an innovation in the constitution, without in some degree giving the protestants a detail of those guards and securities (which he alludes to merely in general terms) for their liberties and for their estates.

Previous to the possibility of admitting catholics to sit and vote in parliament with safety to the constitution, there are many alterations which their church and people ought to admit. I shall not now detail them, because I should still have my doubts; but sure I am, the catholics themselves ought (if they are anxious to be believed sincere in their professions) to make every change in their church government and discipline which protestant security can require, and which the essentials of Roman catholic faith will permit: such reform would afford more substantial security than reiterated promises, and professions, and tests.

There is one preliminary indispensable; I mean a sufficient establishment, or fund from whence to pay their clergy. The Irish parliament has given them a seminary for the education of their candidate clergy, has endowed it magnificently, induced to do so from the policy of placing over the ignorant lower orders in Ireland, a well-educated enlightened set of gentlemen. Having done so, it appears to me a necessary consequence that a provision should be made for that clergy by the state, and that they should not be left dependent on a savage multitude for their means of life, and be reduced to the necessity of flattering the propensities and passions of that multitude, and conniving at, if not encouraging their crimes. You must therefore, in order to rescue them from such
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a thralldom, and render them either good or safe members of the community, give them a moderate independence, and place them above such necessity.

I shall now, sir, content myself with noticing, as I proposed, some mis-statements, and disproving them only at this late hour, by contradicting them without much detail.

• The hon. mover has alleged that the ferocious manners of the protestants of Ireland towards the catholics has rendered the latter description barbarous; if true it is that they are barbarous, or unfit to enjoy civil liberty in its full extent: and yet both he and one of his friends (Grattan) deprecate any allusion to violences heretofore committed. So do I; but if such assertions are made, truth must be told. Too many proofs exist up to the present hour of the aggressions and savage bigotry of the catholics; the history of centuries past proves it; modern times prove it; the white-boy transactions in the south twenty years before the rebellion prove it; the events of the rebellion prove it; Wexford fatally and lamentably proves it; Dr. M'Nevin proves it, who tells you of their antipathy to protestants and Englishmen, whom they consider to be the same; and that the catholic body could at any time be brought forward to rebellion by the agency of their priests, whom the leaders of the united Irishmen knew they could set in motion at any moment when requisite, and therefore it was that these leaders first directed their efforts to associate the protestants of the north of Ireland by throwing out the lure of parliamentary reform. But I revolt from these allusions as much as opposition, whose unfounded assertions render them necessary.

I deny utterly the colouring and statement of the second^r of this motion (Grattan) of the events and occurrences, and their causes, of the last twenty years, but more particularly as applicable to our unfortunate disturbances. I do shortly allege that the party occasioned by the anomalous proceedings of parliament in 1789, during the regency, laid the groundwork of the united Irish union, of the commotions, the rebellion, and consequent legislative union between Great Britain and Ireland.

The king's recovery and discomfiture of opposition produced those unconstitutional appeals of the hon. second^r and his friends to the physical force of the country. Too well for the peace of Ireland did he instruct them to reflect and rely upon that force; he and his friends, with this doctrine in their mouths, bid for and misled the protestants of the north,
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(a gallant race of men devoted to constitutional liberty) by promising them parliamentary reform; the same gentleman bid for the catholics, by promising them emancipation. Accordingly the united Irish association was formed in 1791-2, and a catholic convention was held in Dublin, and a protestant convention at Dungannon, in furtherance of these objects, emancipation and reform. I shall not comment on these events; they were endeavoured to be curbed by Lord Clare's convention act, made subsequently with that view. In 1795 Lord Fitzwilliam came lord lieutenant to Ireland, and the mover of this petition asserts that his recal and the breach of promise at this time to the catholics produced the rebellion of 1798. In making this assertion, he pronounces on his friend (Grattan) the most bitter, heart-rending judgment, that could have fallen from the lips of a friend; for he thereby charges him with being the author of that rebellion.

I do positively in proof of this assert, and defy contradiction, that Lord Fitzwilliam was sent to Ireland with an instruction from the cabinet of England to keep back the catholic claims, and further assert, that no authorized promise was made to them. But what did the worthy recorder (Grattan) do? Having been in London with Lord Fitzwilliam, to consult and advise with him on his future government of Ireland, he preceded him to that country, and instantly on his arrival set every political engine at work, every channel of influence and flattery he possessed, to urge forward the catholics with their claims from all parts, in so much that shortly after Lord Fitzwilliam did arrive the whole mischief was completed. The cabinet felt he had disobeyed their orders, and he was recalled; the catholics were not gratified. The hon. mover (Mr. Fox) says rebellion was the consequence; if so, the house will estimate the obligation of his friend (Mr. Grattan) to him for his allusion to the fact.

After this period the catholics were advised by public address not to postpone their claims. England was in emphatic language described to be their enemy; that she must be pressed by them in time of war; the catholics must not postpone their claims to a moment of peace—they must be listened to in a time of distress and pressure to England.

Is it for this reason they are brought forward now? I have my suspicions. The rebellion of 1798 and the union of the two parliaments finish the period on which the two honourable friends have mostly dwelt.

I now beg leave to deny their assertions as to the proportionate

tionate numbers of protestants and catholics; they are unproved, and are made only for intimidation.

I must also deny the hon. mover's doctrine of the principle of the British constitution as applied to the claim of power or franchise. I allege the principle to be *equal protection to all, and rights of power or franchise to qualified persons*. The guards of this constitution in the exercise of power or franchise, are tests and the possession of property.

I must also notice a very loose proof he offers to us, that the catholics will not, if in power, meddle with property: the gentleman himself does not profess to approve of the act of settlement, but the catholics would not, he says, disturb it, because some of them have lately acquired property secured by it. At best this is no more than an appeal to their forbearance, and quantum of interest in it.

I shall, now lastly, make an observation on the property in Ireland. It exceeds, I am confident, in the hands of the protestants that which is in the hands of the catholics by a proportion which far outstrips the population of the latter beyond the former. I dare say it is more than as twenty to one: for this we have an undoubted right to have a sufficient security. In five or six northern Irish counties there is not one catholic gentleman qualified from estate to be a member of parliament, or indeed that you ever meet in society; and this not from any severity of exclusion, but really that they do exist amongst us. If then catholics were eligible to parliament, and that the lower orders there are, as alleged, three to one, we should either be represented by strangers or by unlettered boors; for most unquestionably if the freeholders were catholic the priests would carry them for the catholic candidate. Property is the criterion of political power more than the physical force of the self-willed multitude. The protestants possess this superiority, and love the constitutional liberty which accompanies it: they have defended and fought for both in 1688 and in 1798. I deny that the rebellion of 1798 was put down by other means than the protestant exertions of Ireland; it was overcome and reduced before one English militia regiment landed in that country (I feel at the same time every gratitude for the zeal and succour intended by that force); and if ever so direful a necessity should occur again, from either invasion or rebellion, I trust to the mutual support of the army and volunteers of both countries, and, in despite of all forebodings, have no doubt of the result.

Sir William Dolben reprobated the measure, and considered

it in the light of a party question, supported on the one hand, indeed, by splendid talents, but on the other by wonderful argument and public principle.

The question being loudly called for,

Mr. Fox rose.—Sir, before I enter into a general reply to the arguments, or rather the observations that have been made by those who have opposed the motion I had the honour to submit to the house, I feel myself necessarily obliged to submit a few words, in answer to an hon. gentleman, on the subject of the speech of a noble viscount (Sidmouth), in the course of a former debate. If I have not been misrepresented, I believe it will be found, that what I strictly said was not that the noble lord said the catholic emancipation would be the effect of the union, but that the union was a pledge of the catholic emancipation. I stated, that the noble viscount, in his speech, said three things were to be considered; one, with a view to the former laws against catholics; another, with a view to catholic emancipation, of both which he disapproved; but would, of the two evils, prefer the enactment of penal laws; and the third, with a reference to a legislative union, which, he said, would not be productive of any of the disadvantages of either of the other measures. Having stated this as one of the things which did give hopes to the catholics, I thought the measure proposed in their favour would not be objectionable to the noble viscount. With regard to the objections against my motion, I shall speak to those which apply in point of time first; for though they came last, they are first in point of order; and, first of all, let me make a remark on the objections which came from a right hon. gentleman opposite. Considering the general weight of his abilities, and his experience—considering some additional weight which he derives from the office he holds, I cannot but remark that the objections he has made come singly from him; no one who preceded, no one who followed him, has urged any objections of a similar nature. He stands, as far as this debate goes, perfectly singular in stating his objections to the petition, in point of time. I shall consider the objections in themselves, and then, as coming from him: and, first of all, in point of time, with regard to myself, I have no defence to make; for I say, let my conduct in bringing the question forward be attended with whatever imputation it may, I am ready to say there is no time of my life when, if any set of men applied to me to support a petition in favour of religious liberty, I should not have

have complied with the requisition. With regard to what has fallen from another hon. gentleman on the subject of this being a party question, I can only say, that if his opinion was to be followed, and we were to consider every thing as a party trick, as he is pleased to call it, because we did not expect that it would be attended with success, we should render the constitution of this country somewhat singular, and certainly the whole tenour of my life would have been contrary to the opinion of that hon. gentleman. With respect to the time, I say, I should at any time have presented this petition, for I always considered that every man had a right to the free enjoyment of his religious liberty, subject to what may arise from considerations of public safety. As I do not believe there ever has been any possible injury to the public safety, by extending religious liberty to those who ask it, I must of necessity think it right to extend it to the catholics. As to the time, with respect to those who have signed the petition, the objection founded on their omitting to have it brought forward before, is most extraordinary; for it is admitted, that in the way the measure of union was argued and defended, the catholics had, without a positive pledge, some reasonable ground to hope that their petition, or the matter of their petition, would be granted. This is not all. Those who were most averse to the catholic claims argued it in a way not like the hon. gentleman opposite, who appeared to me to think that the union would pave the way for the grant of the catholic claims, that it took away the only difficulty which belonged to the discussion of the question, and that, when the union was completed, it would be, in the view of many, more safe to grant their claims, or less dangerous to resist them. If I am told that the establishment of the measure of the union will produce a time when the claims can be brought forward with propriety, and cannot be refused without danger, I desire to know whether that is not precisely the period, when men who wish well to their country would naturally be inclined to bring them under discussion. What time can be more proper for discussing the claims of any class of subjects than that in which it is admitted they can be granted without danger? I should, therefore, have supposed, that all who thought the union the most certain means of preventing the danger, would have conceived the completion of that union the time peculiarly proper for the catholics to submit, and a member of parliament

to recommend, a measure which the friends of it considered right, just, and equitable, to be adopted. But what then? You tell them—you say to them, "Help us in this union—give us that assistance which is necessary to us." Many of the catholics do so; and then your friends, and the friends of the union, tell them they have great hopes their claims may be granted. Then the petition comes, as might naturally be expected it would come, after such an assurance; and in return for the assistance given by the catholics, it is proposed to say, "Do not discuss the question at all." It may be said, "Why did not the catholics come immediately after the union?"—I do not wish to enter into an altercation on that subject; it is most probable that the cause of their not coming sooner was, that the right hon. gentleman's resignation, accompanied with the reasons he gave for that resignation, induced them to adopt the opinion, that they could not with propriety bring their claims forward at that time. But the right hon. gentleman, in a letter, gives the catholics a justifiable ground of hope, that it would be a part of his future plan to smooth the way, by preparing the public to receive the catholic petition. What must have been the impression on the minds of the catholics in consequence of this? They must have thought that the right hon. gentleman, during the two years he was out of office, would have directed his attention to the subject, and that he was a little negligent of their concerns, if he did not take quite so much pains as he ought to have done. But it was natural for the catholics, when they saw the right hon. gentleman returning to office—when they recollected they had heard him say, that, entertaining the opinion he did of the catholics, he could neither bring their claims forward with safety, or continue in his office with propriety: I repeat, it was natural for them to say, that, although we did not consider your conduct as a pledge on your part, or a claim on ours, yet when you declared you could not bring the subject forward with hopes of success, nor continue in office, unless you could do so, we had a right to depend on your support, whenever the opportunity was afforded you of granting it. Thus, when we now see you returning again to office, we may reasonably conclude you are in a situation in which you may support, encourage, and promote those claims, of which you approved. This was the natural time for the catholics to apply to the right hon. gentleman for support, and for him to grant it. I think

think it is impossible that I can misrepresent what the right hon. gentleman said four years ago, in the course of a debate on the state of the nation, and I think that all he has said to-night is a proof that I understood him rightly. He said, that considering the turn the question had taken, considering the infinite importance of the subject to the empire at large, he thought he could not move it with all the advantages necessary to its success, or at least to that species of success, as he expressed it, which would be productive of the result ultimately to be desired ;—that, under such circumstances, he felt not only that he could not move it himself, but that if it was moved, he should feel it his duty to resist it. If it is true that he told us so, surely it was natural for persons in the situation of the catholics to suppose, that when he returned to office, he would attend to this circumstance. It seems to me, that this night he has gone a good way in stating the singularity of his own conduct. He said, that the question could not advantageously be brought forward, unless with the general concurrence of every branch of the legislature. Such was the reason, he tells you, that he did not bring it on. This I admit is perfectly consistent with his former professions ; yet I think, that in the year 1801, as well as if he was to do so in 1805, he did take a further measure of no small importance to his reputation, and the welfare of the country, by putting an end to his own administration. He has stated all he did at that period. He stated his sentiments then, as he has done now ; and I cannot but remark that, in giving an account of his conduct, there is a material alteration and difference in his conduct in 1805, with reference to what it was in 1801. Yet, he has so conducted himself, that it was impossible the Roman catholics of Ireland could know that such a difference of opinion existed, or that his opinions and sentiments were not similar to what they had been. They must have concluded, from the very circumstance of his being in office, that it was his intention either to move, or to support the question. I believe that idea was so firmly impressed on the minds of the catholics, that he could not imagine the fact was otherwise. Many persons undoubtedly thought that there might be some circumstances which might make it proper to defer the consideration of the subject to another session : if from prudential motives it had been recommended to them to defer the consideration of the subject to a future period, I have no doubt that, with the opinions they entertained,

tained, and the impressions they were actuated by, they would have readily acquiesced. But when they found that the right hon. gentleman could neither now bring their claims forward, that the objections against them would equally lay at any given time, and that, when he continued in office, contrary to his own example in 1801, they concluded, as justly they might, that he had completely changed his mind. It was under that circumstance, and the impression it excited, they came to me; and now, because they have come to me, is it to be said, that they have made themselves the allies of a party? I wish to know what will become of this house, and eventually of the government, and the constitution of the country, if those, who are refused redress by ministers, and appeal to men who, for good reasons, oppose ministers, are to be stigmatized with adhering to a party. Are those who oppose administration to be incapacitated, merely for so doing, as independent members of parliament? Are we, the free, uncontrolled, and independent members of this house, and the representatives of the people of England, the first nation on earth, to be excommunicated in our political capacity, because we are in the performance of a duty adverse to the sentiments of those ministers whose conduct we condemn? We talk of the excommunications of the pope, but can his anathemas be more unjust than those which stigmatize those as the allies of a party, who apply to us for the establishment of their undoubted rights, privileges, and civil and religious immunities, denied to them by ministers, who ought to be foremost in granting them? All I can say is, that I have attentively read the history of the country, but I have formed a very imperfect notion of its constitution, if those who oppose ministers, or who bring forward measures which should originate in them, are to be branded as the instruments of party, and as hostile to those principles to which our free government owes its existence, and the country its prosperity, importance, and pre-eminent rank among nations. The catholics came to me, because a better chance of success did not present itself to their hopes. They came to me, because they conceived, and I hope truly, that I would do justice to their cause, and because they thought I would do my utmost to be instrumental in bringing it to a successful issue. Is it to be said, because we are not sanguine in our hopes of success, that therefore we ought not to promote inquiry and investigation upon any subject? Is no man to be justified in moving a question of public concern

cern and importance, merely because he does not conceive it will be carried? I beg leave to say, that I am decidedly of a different opinion. I think the house will judge as members of a British parliament ought to judge, that it is their duty to pursue a question of this kind in spite of every temporary obstacle. I am of opinion, that whatever may be, or may have been in another place, the decision upon this question, the discussion will be productive of the greatest good to the country. The complete refutation of the number of false facts which have been advanced, must, and will be attended with the best effects. I am confident that the arguments we have heard, whatever effect they may have upon this house, will have their due weight with the public, and that every man of common sense will see on which side the weight of the argument lies. I am confident, upon another ground, which may be stated as a ground of policy, expediency, and justice, that this discussion will be productive of the utmost benefit, because I am convinced, that if I had refused to present the petition of the catholics, and the impression had gone over to Ireland, that there was not a member to be found in the British house of commons willing to present their petition, it would have produced a state of despondency and despair in the mind of the people of that country, which would have been fatal to the best interests of the whole empire. They would rightly, but fatally, as to the probable consequences, have judged that there was not only no party, but no individual in England, to whom they could look up with a confident hope of redress. Is it, can it be necessary for me to state to this enlightened house, that a more fatal event cannot happen, or is more to be deprecated, than that three-fourths of the population of Ireland should be justified in the dreadful reflection, that there is not a man in England who sympathises with their sufferings, or who is inclined to exert himself in order to obtain the redress of them? Although such a reflection may be turned to the extreme disadvantage of the empire, I do trust that the people of Ireland will not reason in this manner. I hope they will not say, "We have no friends in England, and therefore we must look elsewhere." [*A general cry of hear! hear!*] Yet the time has been when such an inference might have been stated with more probability than perhaps at the present moment. It has been said, "Let us finish the question for ever." When, I would ask, was it known that such a question could be finished for ever?

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"Man and for ever!" History shews us, that the most visionary notion ever entertained never went the length of implying that a question of this nature could be finished for ever. Will not the catholics, look back to the parliament of their own country—refer to the period of the year 1791? That was a period when no member of parliament could be found to present a petition in their favour. In the year 1792, their petition was presented, and it was rejected by a very large majority; the minority consisting, as nearly as I can recollect, of not more than fourteen or fifteen members. It was then said the question was closed for ever. I dare say the gentlemen who stated that, thought the revival of the question would overturn the protestant government, and the established constitution of the country. They undoubtedly thought that the time for agitating the question was improper and dangerous, and therefore it was that they said the question was, and ought to be closed for ever. Was it closed for ever? Did the event prove that it was closed for ever?—No. On the contrary, within twelve months after the question was said to have been closed for ever, it was resumed, and a majority of that house, which had closed the question for ever, did grant the catholics more in the year 1793, than in the year 1792 the catholics had thought it necessary to ask; and in so doing they did right; for if you look back to the history of this reign, you will find, that, in almost every instance, what has been refused to the humble prayer of any class of subjects, who have considered themselves aggrieved, has been granted afterwards by the fears of government. When this country was engaged in a war with France, it was fear and imperious necessity which induced you to grant that, than which lesser claims were refused in 1792. Let me not be accused of menace, when I leave it to the consideration of this house, whether at different periods of the history of this reign, with reference to its various dependencies, government has not, by sad experience, found that the best time for granting indulgences, or, to speak more properly, natural rights, would have been when they were first asked for. If this is menace, then I think prudence must be altogether banished from our consideration: there is no claim of right which may not be construed into menace. If we are compelled to satisfy the claim, and, at the same time, are to be told that the claim is menace, I ask how we ought to have acted at the beginning of the American war? How are we to warn

warn you by the example of the past, unless it is by shewing you that, to avoid danger, you should make concessions in time? I must further observe, with regard to the objections which the right hon. gentleman took in point of time, that if his particular object was to conciliate those who were hostile to this measure, not with reference to time, but principle, his objections, in my opinion, have not been very successful. I do not indeed conceive, that the right hon. gentleman has urged the argument in our favour with any other than honourable views; but after all the ingenious language we have heard—after all the illiberal arguments which have been advanced, all the ignorance which has been uttered, all the aspersions which have been thrown out, and all the dangerous principles which have been recommended, and attempted to be maintained, for the purpose of rejecting this question for ever; I say, that although I cannot help lamenting we could not have the benefit of his vote, yet I rejoice that we have the advantage of his discountenancing what, he must feel, reflects as much honour on his principles four years ago, as disgrace now. His vote undoubtedly would have been of advantage to the country; but his speech is of much more advantage. It is not merely the vote of the right hon. gentleman that would be important, but it is of consequence, that in England, Ireland, and every part of the British empire, it should be known, that the opinion of men in power, or likely to be in power, or whose authority or interest is looked up to with confidence, is favourable to the cause to which the vote of the right hon. gentleman is adverse. I wish we could have had his vote, but I thank him for his argument; and this brings me to another part of his conduct. The right hon. gentleman says, that he finds not only now, but that three or four years past, the public opinion was contrary to mine. If he had brought forward this question when he was out of office, he might have stated some grounds which would have made it less dangerous to be encouraged than at the present moment. If he had stated that fact, and the public had seen that most of the considerable men in parliament were of one opinion, though his opinion would have done much, yet the argument would have done more, and the public opinion would not, perhaps, have taken the turn he tells us it has: whether it has taken that turn, or not, I doubt; I own I see no symptom of it. There are unquestionably very respectable bodies of men, some of whom have given their opinion contrary to the opinion I profess: but that there is a generally prevailing

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prevailing opinion adverse to mine, I cannot suspect; I cannot think, that, among rational men, the advantages which present themselves on the one hand, and the dangers which menace on the other, can be overlooked. The claims of the catholics are not only consistent with the principles of the constitution, but consonant to its vital spirit, and I hope and trust the public opinion will ultimately be led by reason to that point, to which, if it is not led, I am sorry to say, we shall not have the full, and effective force, and physical strength of the united empire. If ever there was a time when it was necessary we should have its entire exertion, it is the present. This is a period when all our energies are called into action.

“*Toto certandum est corpore regni.*”

But who can say the country has the effectual advantage of the *corpus regni*, while one-fifth of its inhabitants are deprived of those privileges they ought to enjoy, and without which, to them, the country is nothing? But the argument is taken two ways: first, you say you have no fears from the catholics; that if you trusted them they would be loyal; and that, therefore, what danger is to be apprehended from them? I would answer, “give to them, then, what they claim, as the reward of their loyalty.” Are we to argue without reference to the general principles of human nature? The proper way to weigh the justice of an argument is by the scale of common sense, and the feelings of mankind upon the subject; but if the argument drawn from the loyalty of the Roman catholics is to be used against them, to their prejudice, I can only say, that it is more disgraceful to the public, than even to the speaker. They say these gentlemen, I mean the Roman catholics, are loyal; I truly believe they are so—nay, I believe that if you refuse their claims, many in their zeal, public spirit, and loyalty, will go far beyond what they can fairly be called upon for; but can I expect as much from the generality of the catholics? Do we not say, that our country being under the freest constitution in the world, the subject enjoys the greatest degree of civil and political liberty, terms which imply no difference, except that the word civil is derived from the Latin, and the word political from the Greek (*a laugh*). Do we not enjoy the most important privileges of any nation in Europe? We boast that we shall be able to make exertions against the enemy, that the subjects of arbitrary governments cannot be expected to make. Why is this? It is because we
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are fighting for laws that are our laws—for a constitution that is our constitution—for those liberties and sacred immunities which no other country under heaven possesses the advantages of fighting for. If, sir, such are the grounds on which, under God, we trust so much to for our success, do they not apply with equal force to another country, or rather another part of our own country? And do you not suppose, that those who fight for greater privileges, will exert themselves more than those men who are deprived of the civil and political advantages enjoyed by their fellow-citizens? If the same exertions cannot be expected by those who are deprived of the privileges to which they are entitled, what do we gain by the disabilities we impose on them? You put the country in the situation in which you are compelled, of necessity, to confess, you have no other expectation than that of comparative exertion. I ask you, whether that is not the true state of the case with regard to the Roman catholics of Ireland? I will not urge further than I did, when I opened this subject, the argument, that the privileges bestowed upon the higher orders of people are, in point of fact, enjoyed by the lower. No answer has been given to the argument, and therefore I must take it as a principle admitted. No one has attempted to contradict the opinion that the lower orders are influenced by the advantages and the privileges bestowed on their superiors. Those who recollect the debates two years ago, may furnish their minds with as strong an illustration on this subject as any argument can possibly produce. It was two years since an hon. member, then secretary at war, brought in a bill for raising an army *en masse*. After having explained the details of the bill, as it applied to Great Britain, he did conclude with a short sentence, which every body well understood, and with regard to which no one thought any comment was necessary. The sentence was to the effect, that it was not thought expedient to apply the bill to Ireland. It would certainly have been indiscretion, in the true sense of the word, either to have applied it to Ireland, or to have commented on the reason for not applying it. Why? Because it was well known that the mass of the people of Ireland were not like the mass of the people of England—because they consisted of two divided parties, in the lower of which you could not have the same confidence as in the higher; and therefore it was that in England the levy *en masse*, which constituted the best security of the country, was in Ireland looked to as its greatest source of danger. I will refer gentlemen to the bill for promoting our

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military force and national defence. I remember, in the course of one day's discussion, relative to the force in Ireland at the time of the debate, compared with the period of the treaty of Amiens, that a statement was made of so much cavalry, so much infantry, so much artillery, and so many fencibles. It was then admitted on both sides, that with regard to such and such regiments, there was a circumstance that made them more particularly useful to the country—that circumstance was, that there were no Irish among them.—It was stated and admitted, that for the reason I have mentioned, there were two or three regiments as available as four or five. Apply this to England, or to any other country that is well governed, would any body say that our military force was strong, because it consisted of foreigners, or that it was weak, because it was composed of Englishmen? Would you not argue, that so much the more would be expected from men, who were fighting for their own country, their homes, their fortunes, and all that was dear to them? Why is the argument different with respect to Ireland? Why do you wish to have regiments in Ireland with as few Irish as possible? The argument is this, and you may reduce it to a syllogism, of which the major is, Every man is most to be depended upon in proportion to his interest in the constitution. The minor is, Englishmen are most interested in their constitution; *ergo*, the conclusion is, Englishmen are most to be depended upon. Apply this, on the other hand, to Ireland, and, altering the terms of the syllogism, the conclusion will be the reverse; the minor will be, that the Irish catholics are the least interested in the constitution, and therefore they are the least to be relied on to defend it. It is on this principle you would have your regiments in England composed of Englishmen, and in Ireland *not* composed of Irishmen. Who are so little interested in Ireland as the Irish Roman catholics? None. Yet such is the state of that country, in which you say nothing is to be obtained by gaining over the hearts and energies of three-fourths of the population. It is said, are not those noblemen and gentlemen, who compose the higher class of the people of Ireland, loyal? If they are, why would you give them any thing to make them more so? I would give them the same interest in the constitution of the country which others have, and then I may reasonably expect similar exertions from them. We say it is little for them to gain, and much for us to give. They say it is much for them to gain, and little for us to give. What is it we give? All we give

give away is political power ! To whom do we give that power ? To the catholics. Who are the catholics ? Our fellow subjects (*bear ! bear !*). I come now to the objection as to the particular form. It is objected to giving hopes to the catholics, because it is said, how can I desire the house to go into a committee, if I do not know that the committee will support me in all the points in favour of the catholics ? Has not this objection been answered, even by what has been said on less important points ? Supposing two distinct questions, standing on different grounds ; surely no one will say, that we ought not to go into a committee to see whether we cannot give either, because we cannot give both. There are two very different points in this question. Gentlemen speak as if they thought none but members of the church of England were capable of sitting in parliament. But do not dissenters sit in this house ? However, in point of doctrine, the church of England differs from the catholics, yet it does not differ more than from the dissenters. With regard to the maintenance and establishment of the church of England, there cannot be more difference between the catholics, than there is between the dissenters and the churchmen. We have forty-five members in this house, who are of a professed establishment different from our own, and they are not members of the most tolerant sect. It is true, that from the bias of their education, from their intellectual attainments, from the improvement of their minds, and from their enlightened understanding, they are above narrow religious prejudices ; yet from the profession of their faith, they are not more liberal or tolerant than the Roman catholics. The Roman catholics are charged with saying, there is no salvation for heretics, and the Scots kirk says, it is blasphemy to assert that any can be saved who are not of their faith. Out of these forty-five members, not more than three or four could be persuaded to decide with us in favour of the repeal of the test act. It is said, how can we employ persons in office who are not of the established religion. In Ireland they are acceptable, because there is no test act. If it is said that we want to put the catholics in a better situation than the dissenters, let it be recollected that we are talking of Ireland. But is it supposed that the test act is the means of assuring that every man shall be a member of the church of England ? Do we not know, that in the reign of Queen Anne, bills of occasional conformity were passed ; and that in the reign of George I. many of the dissenters only took the sacrament to

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shew their disposition in favour of the established church, however they might not agree as to parts of the liturgy? Will any body say that taking the sacrament proves a man to be a supporter of the church of England? May not a dissenter take the sacrament, and yet consider the liturgy of the church of England as the most consummate bigotry? This leads me to another part of the subject, which was stated by a right hon. gentleman (Sir William Scott), who, I flatter myself, I may call my friend. The principal flower of his eloquence consisted in the repetition of the word "*must*." He seemed to think, that the fundamental laws of the church of England *must* be repealed by granting the prayer of the catholics. The exclusion of the catholics from seats in parliament, and the existence of the test acts, are the props, according to the learned gentleman (Sir William Scott), which support the church of England. What then was the state of the church of England in the reigns of Elizabeth, of James the first, and Charles the first? Were these princes not the heads of the church as effectually as his present majesty; nay, would it not be deemed the grossest abomination to doubt, even, that Charles the first fell a martyr to the church of England? Yet, throughout the reigns of these princes, Roman catholics sat in parliament, and the test act had no existence. Granting the thirty-nine articles of the church of England to be not repugnant to the free principles of the constitution as established in the reign of King William; yet the homilies which follow are by many stated to be an absolute condemnation of the very thing which took place at the time of the revolution. Nay, did not Sacheverel openly attack, and upon the authority of these homilies, stigmatize that great proceeding as impious, and utterly destructive of the church of England? Now, with regard to those learned places which form a repository for the essential doctrines of religion, I mean the universities, in one of which (the university of Oxford) I had the honour to receive part of my early education, if I was to produce the decree of that university of 1688, against limited government, describing it as one of those things which lead to atheism, what would be said of it? Some of the best of men have come from that university. None more so than the learned gentleman; but I do beg, to use a plain homely phrase, that they will not throw stones whose eyes are made of glass. I do not advise the high church party to look so narrowly into the history of the catholics, and into all the violence of their decrees, in order to disqualify

disqualify them from being amalgamated and reconciled with the constitution of this country. It has been said by a learned gentleman, that the Roman catholics wish to overturn the established religion of the country. To this I answer, that there are good subjects of all sects and persuasions, in all countries, who, dissenting from the established religion, yet pay obedience to the opinion of the majority. I am surprised it should have been said by an hon. gentleman, (the attorney general) that if he was a catholic in a country where the protestant church was established, and he had the power, he would exercise it to weaken the established religious government. I have, too good an opinion to think so of him. If every man was to conceive himself at liberty, because he differed from the established religion of a country, to attempt to overturn it, the general tendency of such a principle would be to destroy all peace in the world. I do not believe any good catholic would so act; I am sure no good subject, who loves his country, ought so to act. The question is this—Here are persons who apply to you, not for exclusive privileges, but simply to be placed on a footing with all the other of his majesty's subjects. It is a claim of justice. If you refuse it, the burthen of proof lies on you, to shew the inconvenience or danger of granting their claim. Nothing of the sort has been proved; you have argued it only by referring to old times, differing from the present. The question comes to this, whether, in the state in which we are, it can be the conduct of a wise and prudent government to separate from itself so large a proportion of the population of the country as the people of Ireland? No statesman, no man who can judge of the affairs of the world, will think so. I should hope that those who wish well to the country, will support my motion. If it should however unfortunately fail, we shall all have done our duty in arguing the question, with a view to induce those to adopt our opinion, who are at present under a fatal delusion with regard to this momentous subject. I should notice one thing; it is, that you have raised this question, and not the petition. The petition has nothing of the seeds of turbulence in it. You will, I trust, draw the hopes of Ireland to this country—make the people of Ireland look to us as their best reliance, and prevent their recurring to any criminal measures. I should now have done, but for the observation of an hon. baronet. He says, why should you give all this to the catholics of Ireland, and not grant the same to the catholics of England? In the first place, the catholics of
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England have not petitioned. I have no doubt as to the propriety of putting the catholics of England on the same footing. I have no doubt they would finally obtain the same privileges. Those who know the catholics of England, who know the character of the lower ranks of the people, are sensible how little danger would result from the catholic peers sitting in the house of lords, or catholic members in the house of commons. Every man must perceive that it would be beneficial to the country, particularly at a time when every man is called upon to shew his zeal in the service, and in the general cause of the empire. I have only to add, in answer to an hon. gentleman opposite, that I was in Ireland a great while ago; but it did not appear to me that the condition of the country was calculated to reconcile gentlemen who visited it, to its general laws. The gentlemen of Ireland ought to be listened to with very considerable attention. From what I have seen in the course of this debate, I think I shall find, on the division, that I shall have the honour of dividing with more of the gentlemen of that country, than ever I had on any former occasion. I believe it will be long before the speeches we have heard from them will be forgotten. The question is important in the highest degree. The only way of putting an end to the hopes of the people of Ireland will be by creating despair, and if ever I hear that they are deprived of those hopes they ought to entertain, I shall despair of those blessings, of that mutual good-will and reciprocal sympathy, without which England can never rely on the effectual and sincere co-operation and assistance of Ireland against the common enemy.

The house then divided, when there appeared

For Mr. Fox's motion	-	-	-	124
Against it	-	-	-	336
Majority	-	-	-	212

Adjourned at five o'clock in the morning to Thursday.

END OF VOL. II. 1805.

T. Gillet, Printer, Salisbury Square.

